S. 1910

At the request of Mr. REED, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1910, a bill to amend the Internal Revenue Code of 1986 to provide that amounts derived from Federal grants and State matching funds in connection with revolving funds established in accordance with the Federal Water Pollution Control Act and the Safe Drinking Water Act will not be treated as proceeds or replacement proceeds for purposes of section 148 of such Code.

S. 1920

At the request of Mr. REID, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Washington (Mrs. MURRAY), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 1920, a bill to award competitive grants to eligible partnerships to enable the partnerships to implement innovative strategies at the secondary school level to improve student achievement and prepare at-risk students for postsecondary education and the workforce.

S. 1921

At the request of Mr. WEBB, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 1921, a bill to amend the American Battlefield Protection Act of 1996 to extend the authorization for that Act, and for other purposes.

S. 1924

At the request of Mr. CARDIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1924, a bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any of certain diseases is the result of the performance of such employee's duty.

S. 1926

At the request of Mr. DODD, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1926, a bill to establish the National Infrastructure Bank to provide funding for qualified infrastructure projects, and for other purposes.

S. CON. RES. 39

At the request of Mr. DODD, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. Con. Res. 39, a concurrent resolution supporting the goals and ideals of a world day of remembrance for road crash victims.

S. RES. 82

At the request of Mr. HAGEL, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. Res. 82, a resolution designating August 16, 2007 as ''National Airborne Day''.

S. RES. 178

At the request of Mr. BINGAMAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. Res. 178, a resolution expressing the sympathy of the Senate to the families of women and girls murdered in Guatemala, and encouraging the United States to work with Guatemala to bring an end to these crimes.

S. RES. 288

At the request of Mr. SESSIONS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Res. 288, a resolution designating September 2007 as ''National Prostate Cancer Awareness Month''.

S. RES. 291

At the request of Ms. LANDRIEU, her name was added as a cosponsor of S. Res. 291, a resolution designating the week beginning September 9, 2007, as ''National Historically Black Colleges and Universities Week''.

AMENDMENT NO. 2535

At the request of Mr. ALLARD, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of amendment No. 2535 proposed to H.R. 976, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

AMENDMENT NO. 2540

At the request of Mr. ENSIGN, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of amendment No. 2540 proposed to H.R. 976, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

AMENDMENT NO. 2541

At the request of Mr. ENSIGN, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of amendment No. 2541 proposed to H.R. 976, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

AMENDMENT NO. 2557

At the request of Mr. SPECTER, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of amendment No. 2557 proposed to H.R. 976, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

AMENDMENT NO. 2564

At the request of Mr. CARDIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 2564 intended to be proposed to H.R. 976, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

AMENDMENT NO. 2565

At the request of Mr. CARDIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 2565 intended to be proposed to H.R. 976, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

AMENDMENT NO. 2566

At the request of Mr. CARDIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 2566 intended to be proposed to H.R. 976, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

AMENDMENT NO. 2567

At the request of Mr. CARDIN, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of amendment No. 2567 proposed to H.R. 976, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

AMENDMENT NO. 2588

At the request of Mr. OBAMA, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of amendment No. 2588 proposed to H.R. 976, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

AMENDMENT NO. 2596

At the request of Mr. VITTER, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of amendment No. 2596 proposed to H.R. 976, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

AMENDMENT NO. 2621

At the request of Mrs. LINCOLN, the names of the Senator from Utah (Mr. HATCH), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. DODD), the Senator from Arkansas (Mr. PRYOR), the Senator from Delaware (Mr. CARPER) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of amendment No. 2621 proposed to H.R. 976, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. THUNE, and Mr. JOHNSON):

S. 1934. A bill to extend the existing provisions regarding the eligibility for essential air service subsidies through fiscal year 2012, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. CARDIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1934

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONTINUATION OF ESSENTIAL AIR SERVICE AT CERTAIN LOCATIONS.

(a) IN GENERAL.—Section 409(d) of the Vision 100—Century of Aviation Reauthorization Act (Public Law 108–176; 49 U.S.C. 41731 note) is amended by striking ''September 30, 2007'' and inserting ''September 30, 2012''.

(b) REQUIREMENT FOR CONTINUATION OF ESSENTIAL AIR SERVICE BY CERTAIN AIR CARRIERS FOR 90 DAYS AFTER TERMINATION OF CONTRACT.—Any air carrier that provides essential air service to a place described in section 409(a) of the Vision 100—Century of Aviation Reauthorization Act (Public Law 108–176; 49 U.S.C. 41731 note) and has a contract for the provision of such essential air service that expires on September 30, 2007, shall continue to provide such essential air service to such place until at least the earlier of—

(1) January 1, 2008; or

(2) the date on which the Secretary of Transportation identifies a new air carrier to provide such essential air service.

(c) AIR CARRIER DEFINED.—In this section, the term ''air carrier'' has the meaning provided such term in section 40102 of title 49, United States Code.

By Mr. BINGAMAN (for himself and Mr. DOMENICI);

S. 1940. A bill to reauthorize the Rio Puerco Watershed Management Program, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I rise today to introduce legislation reauthorizing the Río Puerco Watershed Management Program, which became law in 1996. In the 10 years since it was formalized by Congress, the Río Puerco Management Committee has helped facilitate a collaborative approach for the restoration of the highly degraded Río Puerco Watershed, which at 7,000 square miles is the largest tributary to the Río Grande in terms of area and sediment.

The Río Puerco was once known as New Mexico's breadbasket, with water supply and soil tilth to support that reputation. Over time, extensive ecological changes have occurred in the Río Puerco Watershed, some of which have resulted in damage to the watershed that has seriously affected the economic and cultural well-being of its inhabitants. This has resulted in the loss of existing communities that were based on the land and were self-sustaining. According to the Bureau of Land Management, while the Río Puerco contributes less than 10 percent of the total water to the Río Grande, it represents the primary source of sedimentation entering the Upper Río Grande with far reaching effects throughout the lower portions of the river. For example, the Río Puerco contributes the majority of the silt entering Elephant Butte Reservoir about 65 miles downstream of its confluence with the Río Grande.

The Río Puerco Management Committee has become one of the most effective collaborative land management efforts in the Southwest, particularly given the challenges posed by the multi-jurisdictional nature of the watershed. It has successfully developed and implemented proposals for watershed rehabilitation on a collaborative basis with participation from private stakeholders, various Federal agencies, Native American Indian tribes, State agencies, and local governments. For example, the committee took on the bold proposal of returning the Río Puerco to its original streambed, originally altered to accommodate the construction of State Highway 44, now U.S. Highway 550, in the late 1960s. According to the BLM, the channel became a primary contributor of erosion and sediment in the river main stem, and even began advancing toward U.S. 550, threatening the highways stability. This large-scale project is one of only three in the entire country that has attempted to reintroduce a channelized river into its original meander.

I am proud to say that the committee's holistic approach has also facilitated low-tech but time-intensive restoration projects and community outreach initiatives which have actively engaged community members and the Youth Conservation Corps. This has helped develop a sense of ownership and community responsibility for the restoration of the Río Puerco while also providing our State's youth valuable resource management skills and teaching them how to be responsible stewards of the land now and in the future.

I am pleased Senator DOMENICI is a cosponsor of this reauthorization bill, and I thank him for always being a strong advocate for this program. The Río Puerco Management Committee has demonstrated the achievements that can be made by working cooperatively to advance the restoration of and maintenance of this watershed. It is also clear that more work needs to be done, and it is my sincere hope that the Congress and the administration will continue to work in a similar cooperative manner to ensure adequate funding is provided for this important program. I urge my colleagues to support this legislation.

Mr. DOMENICI. Mr. President, the need for targeted restoration work in the Río Puerco watershed came to my attention during the early 1990s. Congress began funding local efforts to improve the Río Puerco area in 1992, and the Río Puerco Management Program was formally authorized by the Omnibus Parks and Public Lands Management Act of 1996.

The Río Puerco Basin is the largest tributary to the Middle Río Grande Basin. The watershed encompasses nearly 5 million acres and acts as drainage for portions of 7 counties in my home State of New Mexico. The Río Puerco watershed is a major source of silt in Elephant Butte Reservoir. In fact, the Department of Interior's U.S. Geological Survey has identified the Río Puerco as having one of the highest sediment concentrations. The objective of the collaborative program is to curtail sedimentation from washing down the Río Puerco to the Río Grande and Elephant Butte. As intended, this program has helped to facilitate cooperation between Federal, State, and local agencies along with local landowners to improve the health of the Río Puerco watershed by working together to implement projects that help control erosion and reduce the flow of sediment into the Río Grande.

I believe the program has accomplished much during its tenure, and I fully support its objectives. I am pleased to join my colleague from New Mexico, Senator BINGAMAN, as a cosponsor of this bill, and I look forward to working with him to see that this important program is reauthorized.

By Mr. HARKIN (for himself, Mr. KENNEDY, Mrs. CLINTON, and Ms. MIKULSKI):

S. 1942. A bill to amend part D of title V of the Elementary and Secondary Education Act of 1965 to provide grants for the renovation of schools; to the Committee on Health, Education, labor, and Pensions.

Mr. HARKIN. Mr. President, I rise today to introduce the Public School Repair and Renovation Act. I offer this legislation to meet the urgent need for support to repair crumbling schools in disadvantaged and rural school districts.

We all agree that school infrastructure requires constant maintenance. Unfortunately, far too many schools have been forced to neglect ongoing issues, most likely due to lack of funds, which can lead to health and safety problems for students, educators and staff. The most recent infrastructure report card issued by the American Society of Civil Engineers gives public schools a ''D'' grade. Now, I don't know many parents who would find ''D'' grades acceptable for their children. So why on earth would we stand by while the state of the buildings in which our children learn are assigned such a grade?

Despite the declining condition of many public schools, Federal grant funding is generally not available to leverage local spending. In fiscal year 2001, the Senate Labor, Health and Human Services, and Education Appropriations Subcommittee which I then chaired, I was able to secure $1.2 billion for school repair and renovation. I continue to hear nothing but positive feedback from educators across the country about that funding.

But that one-time investment amounted to nothing more than a drop in the bucket compared to the estimated national need. In 1995, the General Accounting Office reported that the nation's K–12 schools needed some $112 billion in repairs and upgrades. A more recent study by the National Education Association put the estimate as high as $322 billion.

I have been heartened by the recent boom in local and State spending on

school facilities. However, the distribution of these recent investments has been overwhelmingly slanted to the most affluent communities which are better able to fund new investments without outside assistance. A 2006 study released by the Building Educational Success Together, BEST, coalition found that the quality of your child's school is dependent upon his or her racial or ethnic background and whether they live in a rich or poor neighborhood.

Local spending on school facilities in affluent communities is almost twice as high as in our most disadvantaged communities, as measured on a per-pupil basis. The report also found that school districts with predominantly caucasian enrollment benefited from about $2000 more per student in school repair and construction spending than their peers living in school districts with predominantly minority enrollment.

The Public School Repair and Renovation Act addresses that inequity by targeting school renovation grants to those communities that have struggled to fund needed repairs. The bill builds on the model States found successful in the fiscal year 2001 program. States would receive funding based on their most recent Title I allocation to initiate a competitive grant program targeted to poor and rural school districts. States have the discretion to require matching funds from the local district bringing the potential funding to much more than the $1.6 billion Federal investment.

I would like to thank my colleagues, Senators KENNEDY, CLINTON, and MIKULSKI for signing on to this bill. In addition, I am pleased to report this legislation has the support of a diverse group of national education organizations representing teachers, school boards, school administrators, and principals.

The Public School Repair and Renovation Act takes a much needed step forward in fixing the inequity in public school facilities. Something is seriously wrong when children go to modern, gleaming movie theaters, shopping malls, and sports arenas, but attend public schools with crumbling walls and leaking roofs. This sends exactly the wrong message to children about the importance of education.

I hope that my colleagues will support the Public School Repair and Renovation Act.

By Mr. LAUTENBERG (for himself, Mr. SPECTER, Mr. MENENDEZ, Mr. CORNYN, Mr. COLEMAN, Mr. LOTT, Mr. LIEBERMAN, Mr. SCHUMER, Mrs. CLINTON, Mr. CASEY, Ms. COLLINS, Mr. GRAHAM, Mr. BIDEN, Mr. STEVENS, and Mrs. FEINSTEIN):

S. 1944. A bill to provide justice for victims of state-sponsored terrorism; to the Committee on the Judiciary.

Mr. LAUTENBERG. Mr. President, I rise to introduce the Justice for Victims of State Sponsored Terrorism Act with my colleagues, Senators SPECTER, MENENDEZ, CORNYN, COLEMAN, LOTT, LIEBERMAN, SCHUMER, CLINTON, CASEY, COLLINS, GRAHAM, BIDEN, STEVENS, and FEINSTEIN.

I am proud to introduce this legislation on behalf of the many Americans who have suffered at the hands of State sponsors of terrorism. This important legislation will allow victims of state sponsored terrorism to have their day in court. It will do so by enabling these individuals to both sue for liability and seek financial compensation from the states, such as Iran, which committed these murderous acts, thereby starving them of the funds that they use to strike at innocent victims.

In 1983, the U.S. Marine Corps barracks in Beirut, Lebanon, was bombed by the Lebanese terrorist organization Hezbollah, killing 241 servicemen and wounding 100 others. In 2003, the U.S. District Court in Washington, DC, found the Republic of Iran, which directly supports Hezbollah, guilty of masterminding that bombing. The victims and their families have the right to sue their tormentors and have judgments against Iran, yet the judgments are not being enforced.

In 1996, the President signed into law legislation that I wrote to amend the Foreign Sovereign Immunities Act to give private American citizens the right to hold U.S. Department of State-designated state sponsors of terrorism liable in U.S. courts. This legislation, also known as the Flatow amendment, needs to be clarified and updated. The bill I am introducing today will bring clarity to this law on behalf of victims of terrorism and reaffirm their right to sue and collect damages from state sponsors of terrorism.

There are several reasons why the law needs to be improved. First, the courts decided in 2004 in Cicippio-Puleo v. Islamic Republic of Iran that, contrary to the intent of the Flatow amendment, there would be no Federal private right of action against foreign governments. The ruling stated that there could only be legal action against individual officials and employees of that government. Second, current law permits judgment holders to only seize assets over which a terrorist state has day-to-day managerial control, thereby allowing terrorist states to hide their assets from the victims who have successful judgments against them. Third, state sponsors of terrorism, such as Libya, which is still responsible for terrorist acts it committed in the past, have consistently abused the appeals process to delay litigation proceedings.

My new legislation will address these issues and improve the ability of victims to hold state sponsors of terrorism accountable. First, it will update the Flatow amendment to improve its enforcement by reaffirming the right of private citizens to sue state sponsors of terrorism. Second, it will allow for the seizure of hidden commercial assets belonging to the terrorist state so that the victims of terrorism can be justly compensated. Third, it will limit the number of appeals that the terrorist state can pursue in U.S. courts. In addition, my legislation will provide foreign nationals working for the U.S. Government, if they are victims of a terrorist attack during their official duties, to be covered by these same provisions.

While nothing can bring back innocent lives lost to terrorism, the state sponsors of these horrific acts must be made to pay for their crimes. We are united in our belief that state-sponsored terrorism is wrong and that the perpetrators of terrorism must be brought to justice. This legislation will also strengthen our national security by combating the desire and ability of foreign nations to both finance and support terrorism. Most importantly, it will empower those innocent victims who have suffered from terrorism to seek justice through the rule of American law.

I urge my colleagues on both sides of the aisle to support justice for victims of state sponsored terrorism by supporting this important bill. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1944

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Justice for Victims of State Sponsored Terrorism Act''.

SEC. 2. TERRORISM EXCEPTION TO IMMUNITY.

(a) IN GENERAL.—Chapter 97 of title 28, United States Code, is amended by inserting after section 1605 the following:

''§ 1605A. Terrorism exception to the jurisdictional immunity of a foreign state

''(a) IN GENERAL.—

''(1) NO IMMUNITY.—A foreign state shall not be immune from the jurisdiction of courts of the United States or of the States in any case not otherwise covered by this chapter in which money damages are sought against a foreign state for personal injury or death that was caused by an act of torture, extrajudicial killing, aircraft sabotage, hostage taking, or the provision of material support or resources (as defined in section 2339A of title 18) for such an act if such act or provision of material support is engaged in by an official, employee, or agent of such foreign state while acting within the scope of his or her office, employment, or agency.

''(2) CLAIM HEARD.—The court shall hear a claim under this section if—

''(A) the foreign state was designated as a state sponsor of terrorism under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405 (j)) or section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) at the time the act occurred, unless later designated as a result of such act;

''(B) the claimant or the victim was—

''(i) a national of the United States (as that term is defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

''(ii) a member of the Armed Forces of the United States (as that term is defined in section 976 of title 10); or

''(iii) otherwise an employee of the government of the United States or one of its contractors acting within the scope of their employment when the act upon which the claim is based occurred; or

''(C) where the act occurred in the foreign state against which the claim has been brought, the claimant has afforded the foreign state a reasonable opportunity to arbitrate the claim in accordance with the accepted international rules of arbitration.

''(b) DEFINITION.—For purposes of this section—

''(1) the terms 'torture' and 'extrajudicial killing' have the meaning given those terms in section 3 of the Torture Victim Protection Act of 1991 (28 U.S.C. 1350 note);

''(2) the term 'hostage taking' has the meaning given that term in Article 1 of the International Convention Against the Taking of Hostages; and

''(3) the term 'aircraft sabotage' has the meaning given that term in Article 1 of the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation.

''(c) TIME LIMIT.—An action may be brought under this section if the action is commenced not later than the latter of—

''(1) 10 years after April 24, 1996; or

''(2) 10 years from the date on which the cause of action arose.

''(d) PRIVATE RIGHT OF ACTION.—A private cause of action may be brought against a foreign state designated under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. 2405(j)), and any official, employee, or agent of said foreign state while acting within the scope of his or her office, employment, or agency which shall be liable to a national of the United States (as that term is defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)), a member of the Armed Forces of the United States (as that term is defined in section 976 of title 10), or an employee of the government of the United States or one of its contractors acting within the scope of their employment or the legal representative of such a person for personal injury or death caused by acts of that foreign state or its official, employee, or agent for which the courts of the United States may maintain jurisdiction under this section for money damages which may include economic damages, solatium, pain, and suffering, and punitive damages if the acts were among those described in this section. A foreign state shall be vicariously liable for the actions of its officials, employees, or agents.

''(e) ADDITIONAL DAMAGES.—After an action has been brought under subsection (d), actions may also be brought for reasonably foreseeable property loss, whether insured or uninsured, third party liability, and life and property insurance policy loss claims.

''(f) SPECIAL MASTERS.—

''(1) IN GENERAL.—The Courts of the United States may from time to time appoint special masters to hear damage claims brought under this section.

''(2) TRANSFER OF FUNDS.—The Attorney General shall transfer, from funds available for the program under sections 1404C of the Victims Crime Act of 1984 (42 U.S.C. 10603c) to the Administrator of the United States District Court in which any case is pending which has been brought pursuant to section 1605(a)(7) such funds as may be required to carry out the Orders of that United States District Court appointing Special Masters in any case under this section. Any amount paid in compensation to any such Special Master shall constitute an item of court costs.

''(g) APPEAL.—In an action brought under this section, appeals from orders not conclusively ending the litigation may only be taken pursuant to section 1292(b) of this title.

''(h) PROPERTY DISPOSITION.—

''(1) IN GENERAL.—In every action filed in a United States district court in which jurisdiction is alleged under this section, the filing of a notice of pending action pursuant to this section, to which is attached a copy of the complaint filed in the action, shall have the effect of establishing a lien of lis pendens upon any real property or tangible personal property located within that judicial district that is titled in the name of any defendant, or titled in the name of any entity controlled by any such defendant if such notice contains a statement listing those controlled entities.

''(2) NOTICE.—A notice of pending action pursuant to this section shall be filed by the clerk of the district court in the same manner as any pending action and shall be indexed by listing as defendants all named defendants and all entities listed as controlled by any defendant.

''(3) ENFORCEABILITY.—Liens established by reason of this subsection shall be enforceable as provided in chapter 111 of this title.''.

(b) AMENDMENT TO CHAPTER ANALYSIS.—The chapter analysis for chapter 97 of title 28, United States Code, is amended by inserting after the item for section 1605 the following:

''1605A. Terrorism exception to the jurisdictional immunity of a foreign state.''.

SEC. 3. CONFORMING AMENDMENTS.

(a) PROPERTY.—Section 1610 of title 28, United States Code, is amended by adding at the end the following:

''(g) PROPERTY IN CERTAIN ACTIONS.—

''(1) IN GENERAL.—The property of a foreign state, or agency or instrumentality of a foreign state, against which a judgment is entered under this section, including property that is a separate juridical entity, is subject to execution upon that judgment as provided in this section, regardless of—

''(A) the level of economic control over the property by the government of the foreign state;

''(B) whether the profits of the property go to that government;

''(C) the degree to which officials of that government manage the property or otherwise control its daily affairs;

''(D) whether that government is the sole beneficiary in interest of the property; or

''(E) whether establishing the property as a separate entity would entitle the foreign state to benefits in United States courts while avoiding its obligations.

''(2) UNITED STATES SOVEREIGN IMMUNITY INAPPLICABLE.—Any property of a foreign state, or agency or instrumentality of a foreign state, to which paragraph (1) applies shall not be immune from execution upon a judgment entered under this section because the property is regulated by the United States Government by reason of action taken against that foreign state under the Trading With the Enemy Act or the International Emergency Economic Powers Act.''.

(b) VICTIMS OF CRIME ACT.—Section 1404C(a)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10603c(a)(3)) is amended by striking ''December 21, 1988, with respect to which an investigation or'' and inserting ''October 23, 1983, with respect to which an investigation or civil or criminal''.

(c) GENERAL EXCEPTION.—Section 1605 of title 28, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (5)(B), by inserting ''or'' after the semicolon;

(B) in paragraph (6)(D), by striking ''; or'' and inserting a period; and

(C) by striking paragraph (7); and

(2) by striking subsections (e) and (f).

SEC. 4. APPLICATION TO PENDING CASES.

(a) IN GENERAL.—The amendments made by this Act shall apply to any claim arising under section 1605A or 1605(g) of title 28, United States Code, as added by this Act.

(b) PRIOR ACTIONS.—Any judgment or action brought under section 1605(a)(7) of title 28, United States Code, or section 101(c) of Public Law 104-208 after the effective date of such provisions relying on either of these provisions as creating a cause of action, which has been adversely affected on the grounds that either or both of these provisions fail to create a cause of action opposable against the state, and which is still before the courts in any form, including appeal or motion under Federal Rule of Civil Procedure 60(b), shall, on motion made to the Federal District Court where the judgment or action was initially entered, be given effect as if it had originally been filed pursuant to section 1605A(d) of title 28, United States Code. The defenses of res judicata, collateral estoppel and limitation period are waived in any re-filed action described in this paragraph and based on the such claim. Any such motion or re-filing must be made not later than 60 days after enactment of this Act.

By Mr. DURBIN (for himself, Mr. OBAMA, and Mr. BROWN)

S. 1945. A bill to provide a Federal income tax credit for Patriot employers, and for other purposes; to the Committee on Finance.

Mr. DURBIN. Mr. President, when companies make headlines today it is often for all the wrong reasons: fraud, tax avoidance, profiteering, etc. Yet many of the companies that are currently providing jobs across America are conscientious corporate citizens that strive to treat their workers fairly even as they seek to create good products that consumers want and to maximize profits for their shareholders. I believe that we should reward such companies for providing good jobs to American workers, and create incentives that encourage more companies to do likewise. The Patriot Employers bill does just that.

This legislation, which I am introducing today along with Senators OBAMA and BROWN, would provide a tax credit to reward the companies that treat American workers best. Companies that provide American jobs, pay decent wages; provide good benefits, and support their employees when they are called to active duty should enjoy more favorable tax treatment than companies that are unwilling to make the same commitment to American workers. The Patriot Employers tax credit would put the tax code on the side of those deserving companies by acknowledging their commitments.

The Patriot Employers legislation would provide a tax credit equal to 1 percent of taxable income to employers that meet the following criteria:

First, invest in American jobs, by maintaining or increasing the number of full-time workers in America relative to the number of full-time workers outside of America, by maintaining their corporate headquarters in America if the company has ever been headquartered in America, and by maintaining neutrality in union organizing drives.

Second, pay decent wages, by paying each worker an hourly wage that would ensure that a full-time worker would earn enough to keep a family of three out of poverty, at least $7.80 per hour.

Third, prepare workers for retirement, either by providing a defined benefit plan or by providing a defined contribution plan that fully matches at least 5 percent of worker contributions for every employee.

Fourth, provide health insurance, by paying at least 60 percent of each worker's health care premiums.

Fifth, support our troops, by paying the difference between the regular salary and the military salary of all National Guard and Reserve employees who are called for active duty, and also by continuing their health insurance coverage.

In recognition of the different business circumstances that small employers face, companies with fewer than 50 employees could achieve Patriot Employer status by fulfilling a smaller number of these criteria.

There is more to the story of corporate American than the widely-publicized wrong-doing. Patriot Employers should be publicly recognized for doing right by their workers even while they do well for their customers and shareholders. I urge my colleagues to join Senator OBAMA, Senator BROWN, and me in supporting this effort. Our best companies, and our American workers, deserve nothing less.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1945

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Patriot Employers Act''.

SEC. 2. REDUCED TAXES FOR PATRIOT EMPLOYERS.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 45O. REDUCTION IN TAX OF PATRIOT EMPLOYERS.

''(a) IN GENERAL.—In the case of any taxable year with respect to which a taxpayer is certified by the Secretary as a Patriot employer, the Patriot employer credit determined under this section for purposes of section 38 shall be equal to 1 percent of the taxable income of the taxpayer which is properly allocable to all trades or businesses with respect to which the taxpayer is certified as a Patriot employer for the taxable year.

''(b) PATRIOT EMPLOYER.—For purposes of subsection (a), the term 'Patriot employer' means, with respect to any taxable year, any taxpayer which—

''(1) maintains its headquarters in the United States if the taxpayer has ever been headquartered in the United States,

''(2) pays at least 60 percent of each employee's health care premiums,

''(3) has in effect, and operates in accordance with, a policy requiring neutrality in employee organizing drives,

''(4) if such taxpayer employs at least 50 employees on average during the taxable year—

''(A) maintains or increases the number of full-time workers in the United States relative to the number of full-time workers outside of the United States,

''(B) compensates each employee of the taxpayer at an hourly rate (or equivalent thereof) not less than an amount equal to the Federal poverty level for a family of three for the calendar year in which the taxable year begins divided by 2,080,

''(C) provides either—

''(i) a defined contribution plan which for any plan year—

''(I) requires the employer to make nonelective contributions of at least 5 percent of compensation for each employee who is not a highly compensated employee, or

''(II) requires the employer to make matching contributions of 100 percent of the elective contributions of each employee who is not a highly compensated employee to the extent such contributions do not exceed the percentage specified by the plan (not less than 5 percent) of the employee's compensation, or

''(ii) a defined benefit plan which for any plan year requires the employer to make contributions on behalf of each employee who is not a highly compensated employee in an amount which will provide an accrued benefit under the plan for the plan year which is not less than 5 percent of the employee's compensation, and

''(D) provides full differential salary and insurance benefits for all National Guard and Reserve employees who are called for active duty, and

''(5) if such taxpayer employs less than 50 employees on average during the taxable year, either—

''(A) compensates each employee of the taxpayer at an hourly rate (or equivalent thereof) not less than an amount equal to the Federal poverty level for a family of 3 for the calendar year in which the taxable year begins divided by 2,080, or

''(B) provides either—

''(i) a defined contribution plan which for any plan year—

''(I) requires the employer to make nonelective contributions of at least 5 percent of compensation for each employee who is not a highly compensated employee, or

''(II) requires the employer to make matching contributions of 100 percent of the elective contributions of each employee who is not a highly compensated employee to the extent such contributions do not exceed the percentage specified by the plan (not less than 5 percent) of the employee's compensation, or

''(ii) a defined benefit plan which for any plan year requires the employer to make contributions on behalf of each employee who is not a highly compensated employee in an amount which will provide an accrued benefit under the plan for the plan year which is not less than 5 percent of the employee's compensation.''.

(b) ALLOWANCE AS GENERAL BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code or 1986 is amended by striking ''plus'' at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting '', plus'', and by adding at the end the following:

''(32) the Patriot employer credit determined under section 45O.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

By Mr. LEAHY (for himself and Mr. CORNYN):

S. 1946. A bill to help Federal prosecutors and investigators combat public corruption by strengthening and clarifying the law; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to join with Senator CORNYN to introduce the Public Corruption Prosecution Improvements Act of 2007, a bill that will strengthen and clarify key aspects of Federal criminal law and provide new tools to help investigators and prosecutors attack public corruption nationwide. This is the time to restore the faith of the American people in their Government. Congress took an important step in that direction today in passing long-awaited ethics and lobbying reforms that will tighten restrictions on those of us who hold public office, and those who seek to lobby us on behalf of private industry. But rooting out the kinds of rampant public corruption we have seen in recent years requires us to go further and to give prosecutors the tools they need to effectively investigate and prosecute criminal public corruption offenses.

The most serious corruption cannot be prevented only by changing our own rules. Bribery and extortion are committed by people bent on getting around the rules and banking that they will not get caught. These offenses are very difficult to detect and even harder to prove. Because they attack the core of our democracy, these offenses must be found out and punished. Congress must send a signal that it will not tolerate this corruption by providing better tools for Federal prosecutors to combat it. This b1ll will do exactly that.

The bill Senator CORNYN and I introduce today, like a bill that I introduced in the Senate in January, will provide investigators and prosecutors more time and resources to pursue public corruption cases. But it goes a step further by amending several key statutes to broaden their application in corruption contexts and to prevent corrupt public officials and their accomplices from evading or defeating prosecution based on existing legal ambiguities.

The bill will help improve the prosecution of public corruption offenses in three fundamental ways. First, the bill would give investigators and prosecutors more time and resources to uncover, charge, and prove three of the most serious and corrosive public corruption offenses. Specifically, it would extend the statute of limitations from 5 years to 6 years for prosecutions involving bribery, deprivation of honest services by a public official, and extortion by a public official. Public corruption cases are among the most difficult and time-consuming cases to investigate and prosecute. They often require the use of informants and electronic monitoring, as well as review of extensive financial and electronic records, techniques which take time to develop and implement. Bank fraud, arson and passport fraud, among other

offenses, all have 10-year statutes of limitations. Public corruption offenses cut to the heart of our democracy, and a more modest increase to the statute of limitations is a reasonable step to help our corruption investigators and prosecutors do their jobs.

The bill would also provide significant additional funding for public corruption enforcement. Since 9/11, FBI resources have been shifted away from the pursuit of public corruption cases to counterterrorism. FBI Director Mueller has recently indicated that public corruption is now a top criminal investigative priority; but a September 2005 report by Department of Justice Inspector General Fine found that, from 2000 to 2004, there was an overall reduction in public corruption matters handled by the FBI. This must be reversed; our bill will give Offices of Inspector General, the FBI, the U.S. Attorney's Offices, and the Public Integrity Section of the Department of Justice additional resources to hire additional public corruption investigators and prosecutors. These offices will finally be able to have the manpower they need to track down and prosecute these difficult but crucially important cases.

Second, the bill contains a series of legislative fixes designed to improve the clarity and enhance the effectiveness of existing Federal corruption statutes, such as the law criminalizing the acceptance of bribes and gratuities, and the law that govern mail and wire fraud. The bribery-gratuities fix resolves ambiguity in the law by making clear that public officials may not accept anything of value, other than what is permitted by existing regulations, that is given to them because of their official position. Similarly, the bill appropriately expands the definition of what it means for a public official to perform an ''official act'' for the purposes of the bribery statute to include any actions that fall within the duties of that official's public office. The bill also adds two corruption-related crimes as predicates for the Federal wiretap and the racketeering statutes, lowers the transactional amount required for Federal prosecution of bribery involving federally-funded state programs, and expands venue for perjury and obstruction of justice prosecutions.

Third, the bill raises the statutory maximum penalties for theft of Government property and Federal bribery to reflect the serious and corrosive nature of these crimes, and to harmonize these statutory maximums with others for which Congress has already raised penalties. Increasing penalties in appropriate cases sends a message to would-be criminals and to the public that there will be severe consequences for breaching the public trust.

If we are serious about addressing the kinds of egregious misconduct that we have recently witnessed in high-profile public corruption cases, Congress must enact meaningful legislation to give investigators and prosecutors the tools and resources they need to enforce our laws. Passing the ethics and lobbying reform bill is a step in the right direction. But we must finish the job by strengthening the criminal law to enable Federal investigators and prosecutors to bring those who undermine the public trust to justice. I strongly urge Congress to do more to restore the public's faith in their Government.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1946

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Public Corruption Prosecution Improvements Act''.

SEC. 2. EXTENSION OF STATUTE OF LIMITATIONS FOR SERIOUS PUBLIC CORRUPTION OFFENSES.

(a) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by adding at the end the following:

''§ 3299A. Corruption offenses

''Unless an indictment is returned or the information is filed against a person within 6 years after the commission of the offense, a person may not be prosecuted, tried, or punished for a violation of, or a conspiracy or an attempt to violate the offense in—

''(1) section 201 or 666;

''(2) section 1341 or 1343, when charged in conjunction with section 1346 and where the offense involves a scheme or artifice to deprive another of the intangible right of honest services of a public official;

''(3) section 1951, if the offense involves extortion under color of official right;

''(4) section 1952, to the extent that the unlawful activity involves bribery; or

''(5) section 1962, to the extent that the racketeering activity involves bribery chargeable under State law, involves a violation of section 201 or 666, section 1341 or 1343, when charged in conjunction with section 1346 and where the offense involves a scheme or artifice to deprive another of the intangible right of honest services of a public official, or section 1951, if the offense involves extortion under color of official right.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 213 of title 18, United States Code, is amended by adding at the end the following:

''3299A. Corruption offenses.''.

(c) APPLICATION OF AMENDMENT.—The amendments made by this section shall not apply to any offense committed before the date of enactment of this Act.

SEC. 3. APPLICATION OF MAIL AND WIRE FRAUD STATUTES TO LICENCES AND OTHER INTANGIBLE RIGHTS.

Sections 1341 and 1343 of title 18, United States Code, are each amended by striking ''money or property'' and inserting ''money, property, or any other thing of value''.

SEC. 4. VENUE FOR FEDERAL OFFENSES.

(a) IN GENERAL.—The second undesignated paragraph of section 3237(a) of title 18, United States Code, is amended by adding before the period at the end the following: ''or in any district in which an act in furtherance of the offense is committed''.

(b) SECTION HEADING.—The heading for section 3237 of title 18, United States Code, is amended to read as follows:

''§ 3237. Offense taking place in more than one district''.

(c) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 211 of title 18, United States Code, is amended so that the item relating to section 3237 reads as follows:

''3237. Offense taking place in more than one district.''.

SEC. 5. THEFT OR BRIBERY CONCERNING PROGRAMS RECEIVING FEDERAL FINANCIAL ASSISTANCE.

Section 666(a) of title 18, United States Code, is amended—

(1) in paragraph (1)(B), by—

(A) striking ''anything of value'' and inserting ''any thing or things of value''; and

(B) striking ''of $5,000 or more'' and inserting ''of $1,000 or more'';

(2) by amending paragraph (2) to read as follows:

''(2) corruptly gives, offers, or agrees to give any thing or things of value to any person, with intent to influence or reward an agent of an organization or of a State, local or Indian tribal government, or any agency thereof, in connection with any business, transaction, or series of transactions of such organization, government, or agency involving anything of value of $1,000 or more;''; and

(3) in the matter following paragraph (2), by striking ''ten years'' and inserting ''15 years''.

SEC. 6. PENALTY FOR SECTION 641 VIOLATIONS.

Section 641 of title 18, United States Code, is amended by striking ''ten years'' and inserting ''15 years''.

SEC. 7. PENALTY FOR SECTION 201(b) VIOLATIONS.

Section 201(b) of title 18, United States Code, is amended by striking ''fifteen years'' and inserting ''20 years''.

SEC. 8. INCREASE OF MAXIMUM PENALTIES FOR CERTAIN PUBLIC CORRUPTION RELATED OFFENSES.

(a) SOLICITATION OF POLITICAL CONTRIBUTIONS.—Section 602(a) of title 18, United States Code, is amended by striking ''three years'' and inserting ''10 years''.

(b) PROMISE OF EMPLOYMENT FOR POLITICAL ACTIVITY.—Section 600 of title 18, United States Code, is amended by striking ''one year'' and inserting ''10 years''.

(c) DEPRIVATION OF EMPLOYMENT FOR POLITICAL ACTIVITY.—Section 601(a) of title 18, United States Code, is amended by striking ''one year'' and inserting ''10 years''.

(d) INTIMIDATION TO SECURE POLITICAL CONTRIBUTIONS.—Section 606 of title 18, United States Code, is amended by striking ''three years'' and inserting ''10 years''.

(e) SOLICITATION AND ACCEPTANCE OF CONTRIBUTIONS IN FEDERAL OFFICES.—Section 607(a)(2) of title 18, United States Code, is amended by striking ''3 years'' and inserting ''10 years''.

(f) COERCION OF POLITICAL ACTIVITY BY FEDERAL EMPLOYEES.—Section 610 of title 18, United States Code, is amended by striking ''three years'' and inserting ''10 years''.

SEC. 9. ADDITION OF DISTRICT OF COLUMBIA TO THEFT OF PUBLIC MONEY OFFENSE.

Section 641 of title 18, United States Code, is amended by inserting ''the District of Columbia or'' before ''the United States'' each place that term appears.

SEC. 10. ADDITIONAL RICO PREDICATES.

Section 1961(1) of title 18, United States Code, is amended—

(1) by inserting ''section 641 (relating to embezzlement or theft of public money, property, or records,'' after ''473 (relating to counterfeiting),''; and

(2) by inserting ''section 666 (relating to theft or bribery concerning programs receiving Federal funds),'' after ''section 664 (relating to embezzlement from pension and welfare funds),''.

SEC. 11. ADDITIONAL WIRETAP PREDICATES.

Section 2516(1)(C) of title 18, United States Code, is amended by inserting ''section 641 (relating to embezzlement or theft of public money, property, or records, section 666 (relating to theft or bribery concerning programs receiving Federal funds),'' after ''section 224 (relating to bribery in sporting contests),''.

SEC. 12. CLARIFICATION OF CRIME OF ILLEGAL GRATUITIES.

Section 201(c)(1) of title 18, United States Code, is amended—

(1) by striking the matter before subparagraph (A) and inserting ''otherwise than as provided by law for the proper discharge of official duty, or by regulation—'';

(2) in subparagraph (A), by inserting after '', or person selected to be a public official,'' the following: ''for or because of the official's or person's official position, or for or because of any official act performed or to be performed by such public official, former public official, or person selected to be a public official''; and

(3) in subparagraph (B), by striking all after '', anything of value personally,'' and inserting ''for or because of the official's or person's official position, or for or because of any official act performed or to be performed by such official or person;''.

SEC. 13. CLARIFICATION OF DEFINITION OF OFFICIAL ACT.

Section 201(a)(3) of title 18, United States Code, is amended to read as follows:

''(3) the term 'official act' means any action within the range of official duty, and any decision or action on any question, matter, cause, suit, proceeding or controversy, which may at any time be pending, or which may by law be brought before any public official, in such public official's official capacity or in such official's place of trust or profit. An official act can be a single act, more than one act, or a course of conduct.''.

SEC. 14. CLARIFICATION OF COURSE OF CONDUCT BRIBERY.

Section 201 of title 18, United States Code, is amended—

(1) in subsection (b), by striking ''anything of value'' each place it appears and inserting ''any thing or things of value''; and

(2) in subsection (c), by striking ''anything of value'' each place it appears and inserting ''any thing or things of value''.

SEC. 15. EXPANDING VENUE FOR PERJURY AND OBSTRUCTION OF JUSTICE PROCEEDINGS.

(a) IN GENERAL.—Section 1512(i) of title 18, United States Code, is amended by striking ''A prosecution under this section or section 1503'' and inserting ''A prosecution under this chapter''.

(b) PERJURY.—

(1) IN GENERAL.—Chapter 79 of title 18, United States Code, is amended by adding at the end the following:

''§ 1624. Venue

''A prosecution under this chapter may be brought in the district in which the oath, declaration, certificate, verification, or statement under penalty of perjury is made or in which a proceeding takes place in connection with the oath, declaration, certificate, verification, or statement.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 79 of title 18, United States Code, is amended by adding at the end the following:

''1624. Venue.''.

SEC. 16. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO INVESTIGATE AND PROSECUTE PUBLIC CORRUPTION OFFENSES.

There are authorized to be appropriated to the Offices of the Inspectors General and the Department of Justice, including the United States Attorneys' Offices, the Federal Bureau of Investigation, and the Public Integrity Section of the Criminal Division, $25,000,000 for each of the fiscal years 2008, 2009, 2010, and 2011, to increase the number of personnel to investigate and prosecute public corruption offenses including sections 201, 203 through 209, 641, 654, 666, 1001, 1341, 1343, 1346, and 1951 of title 18, United States Code.

SEC. 17. AMENDMENT OF THE SENTENCING GUIDELINES RELATING TO CERTAIN CRIMES.

(a) DIRECTIVE TO SENTENCING COMMISSION.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and amend its guidelines and its policy statements applicable to persons convicted of an offense under sections 201, 641, and 666 of title 18, United States Code, in order to reflect the intent of Congress that such penalties be increased in comparison to those currently provided by the guidelines and policy statements.

(b) REQUIREMENTS.—In carrying out this section, the Commission shall—

(1) ensure that the sentencing guidelines and policy statements reflect Congress' intent that the guidelines and policy statements reflect the serious nature of the offenses described in subsection (a), the incidence of such offenses, and the need for an effective deterrent and appropriate punishment to prevent such offenses;

(2) consider the extent to which the guidelines may or may not appropriately account for—

(A) the potential and actual harm to the public and the amount of any loss resulting from the offense;

(B) the level of sophistication and planning involved in the offense;

(C) whether the offense was committed for purposes of commercial advantage or private financial benefit;

(D) whether the defendant acted with intent to cause either physical or property harm in committing the offense;

(E) the extent to which the offense represented an abuse of trust by the offender and was committed in a manner that undermined public confidence in the Federal, State, or local government; and

(F) whether the violation was intended to or had the effect of creating a threat to public health or safety, injury to any person or even death;

(3) assure reasonable consistency with other relevant directives and with other sentencing guidelines;

(4) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(5) make any necessary conforming changes to the sentencing guidelines; and

(6) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

Mr. CORNYN. Mr. President, I am proud to introduce this important legislation with Senator PATRICK LEAHY, the distinguished Chairman of the Judiciary Committee. This bill is yet another example of the great things that can come from bipartisan cooperation.

Public corruption is not a Republican or Democratic problem. It is a Washington, DC problem. It is a problem in statehouses and city halls across this country. Our citizens deserve to be governed by the rule of law, not the rule of man. Unfortunately, human nature being what it is, a few rotten apples have a tendency to spoil the bunch.

The legislation we introduce today, the Public Corruption Prosecution Improvements Act, will strengthen the enforcement of U.S. Federal laws aimed at combating betrayals of public dollars and public trust. Our bill does this both by making substantive changes to public corruption laws and by giving prosecutors new tools to use in their battle against corrupt officials.

The Public Corruption Prosecution Improvements Act increases the maximum punishments on several offenses, including theft and embezzlement of Federal funds, bribery, and a number of corrupt campaign contribution practices. For example, it cracks down on theft or bribery related to entities that receive Federal funds, by increasing the maximum sentence for a conviction from 10 to 15 year and lowering the threshold that prosecutors must prove, from $5,000 to $1,000. It clarifies the law in response to several court decisions narrowly interpreting the public corruption statutes. For example, the bill broadens the definitions of ''illegal gratuities'' and ''official acts,'' clarified that an entire ''course of conduct'' can be the result of bribery, and clarified that intangible property interests such as licenses can now trigger the mail and wire fraud provisions.

Federal investigators who seek to root out corrupt officials will benefit from new tools provided in this legislation. The bill would extend the statute of limitations on certain serious public corruption offenses, giving prosecutors more time to investigate and build a case. It expands the criminal venue provisions, allowing prosecutors to bring the case against corrupt officials in any district where any part of the corruption occurred. The bill similarly expands the venue for perjury and obstruction of justice.

Finally, the legislation gives Federal law enforcement what they need most to prosecute public corruption: more resources. Funding of $25 million for each of the fiscal years 2008–2011 will help enhance the ability of the Department of Justice and the Offices of Inspectors General to effectively combat fraud and public corruption.

Importantly, these improvements to current law come with significant input from the career professionals in the Department of Justice.

But this legislation by itself is only a start if we want to clean up Washington, DC. Two additional reforms, in particular, are necessary: the OPEN Government Act, and earmark reform. The operations of Government should be as transparent as possible. Quite simply, refusing to let the public have full access to Government records is a betrayal of public trust. This Senate must live up to its duty to provide transparent government and pass the crucial FOIA reforms contained in the OPEN Government Act.

Similarly, Congress too often permits its members to walk ethical tight-

ropes through questionable earmarking practices. The public sees these for what they too often are: handouts of taxpayer money to special interests. I think it is of the utmost importance that we increase transparency in the earmarking process, exposing the process to the light of the day.

I urge my colleagues to support the Public Corruption Prosecution Improvements Act, as well as these other important reforms. I look forward to debating these issues in Committee and here on the Senate floor. And I thank Chairman LEAHY for his leadership on this and other legislation we have crafted together.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 1947. A bill to amend title XI of the Social Security Act to improve the quality improvement organization (QIO) program; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I am pleased to join my good friend and colleague Senator BAUCUS to introduce the Continuing the Advancement of Quality Improvement Act.

The purpose of this legislation is to reform Medicare's troubled Quality Improvement Organization, QIO, program. QIOs and their predecessor organizations have long been responsible for ensuring that the care Medicare beneficiaries receive is medically necessary, meets recognized standards and is provided in appropriate settings. They are currently tasked with a wide variety of important roles ranging from investigating beneficiary complaints of poor quality care to giving technical assistance to Medicare providers for improving health care quality.

I have been an advocate of reforming the QIO program for quite some time. About 2 years ago, I initiated an investigation into a number of the QIOs. Those investigations revealed a program that is in desperate need of reform. This program was running with little or no oversight, and it was expending more than $1 billion every 3 years with little measurable results. In other words, I found trouble. Let me elaborate on a few disturbing things that I discovered. I found that one QIO leased residential properties for board members and a CEO. That same QIO also used Federal funds to lease automobiles for its top executives. I also found other QIOs who had board members and staff attend conferences, many at lavish resorts.

I was not the only one to identify serous concerns with the QIOs. Others identified concerns too. Specifically, the Institute of Medicine, IOM, the General Accountability Office, GAO, and the Department of Health and Human Services, HHS, Office of the Inspector Geheral (OIG) all identified numerous concerns about the effectiveness of this program. These independent organizations also voiced their concerns with the manner in which it is operated and have made recommendations for major reform. Their findings clearly show the need to hold the Centers for Medicare and Medicaid Services, CMS, and the organizations that serve as QIOs accountable for the important tasks they must perform.

The Continuing the Advancement of Quality Improvement Act will ensure that the QIO program is not only effective in improving the quality of care provided to our Medicare beneficiaries, but also that it operates in an effective, efficient and accountable manner. Much of this legislation is based on the investigations that I conducted and the troubling findings that I came across and on the work of the IOM, the GAO, and the HHS OIG.

First, the Continuing the Advancement of Quality Improvement Act would focus the mission of the QIO program on quality improvement. QIOs currently have many diverse responsibilities. As a result, they served conflicting roles of both ''regulator'' and ''technical assistant.'' This conflict poses significant barriers to QIOs effectively serving either role, and we have come to learn that they really don't perform either function particularly well.

The legislation would also address this conflict by following the IOM's recommendation to make the sole purpose of QIOs to be technical assistants for quality improvement and performance measurement. The HHS Secretary would be required to transfer all other QIO: responsibilities to other entities called Medicare Provider Review Organizations, MPROs, in a manner that will support the needs of beneficiaries and be accountable to them.

Second, the legislation would improve the beneficiary complaint review process that I think is in desperate need of reform. You may recall that in 2006 we read about the plight of Mr. Schiff. Mr. Schiff went to a QIO and filed a complaint about the care provided to his wife, who died. The QIO in that case was unresponsive to Mr. Schiff. He was forced to take legal action to learn what the QIO found out about his wife's death. He should not have had to do that. After all, he was the one who filed the complaint with the QIO in the first place because he thought that someone did something wrong that lead to his wife's death. It was at that juncture that I learned that the beneficiary complaint review process was too opaque and ineffective. More importantly, beneficiaries were not being properly served. In fact, I came to learn that complainants often do not receive the findings of the investigation conducted by the QIO. Now I ask; what sense does that make?

The Continuing the Advancement of Quality Improvement Act would require MPROs to report the investigational findings to the complainant and refer the provider to a QIO for technical assistance and/or the appropriate regulatory body for sanctions. In other words, this part of the bill would bring transparency to a process now shrouded in a cloud of silence.

Third, the Continuing the Advancement of Quality Improvement Act would ensure that limited resources go to providers that need them the most. The GAO recently found that QIOs prioritized their assistance to providers who would be easiest to help rather than the providers who were most in need of help. In other words the QIOs decided it was easier to take a B plus student and make them into an A student rather than putting their resources into the D student to bring them up to par. I guess that way they thought that they would look better and more successful. But if you ask me; that is not the best way to spend limited taxpayer resources. Now, this bill will insure that if demand for technical assistance exceeds available resources, the QIOs would give priority to providers that are in rural or underserved areas, in financial need, have low performance measures or have a significant number of beneficiary complaints. In other words the help is going to go to those who need it most.

Fourth, the Continuing the Advancement of Quality Improvement Act would make QIO data more available to CMS and providers for quality improvement and patient safety purposes. Amazingly enough, QIOs are currently restricted from sharing such data despite the obvious value of this data for improving health care quality. This legislation would permit the sharing of QIO data with providers for quality improvement and patient safety purposes and require CMS to make recommendations on how to improve the data sharing process.

Fifth, the Continuing the Advancement of Quality Improvement Act would promote competition in the QIO program. This is a giant leap forward. These organizations are currently not subject to significant competition because of limitations on who can be a QIO and the availability of noncompetitive contract renewals. This lack of competition has led to a gross lack of accountability and stagnation in the QIO program. This legislation would promote competition by allowing other types of organizations to serve as QIOs and eliminate noncompetitive renewals.

Sixth, the Continuing the Advancement of Quality Improvement Act would enhance governance at the QIOs. During the course of my investigations I identified repeated failures in governance. I exposed board members who were more interested in helping themselves than helping others.

This bill will also address board member conflicts of interest. My investigations identified numerous incidents of questionable QIO governance practices and board member conflicts of interest. Since the QIO program receives over $400 million in taxpayer funding every year, it is reasonable for us to expect not only that QIOs are governed in an ethical manner free of conflicts of interest, but also that CMS appropriately oversees the program. This

legislation would require QIOs to comply with board governance requirements and would require CMS to establish procedures to address conflicts of interest and follow those procedures.

Finally, the Continuing the Advancement of Quality Improvement Act would increase much needed accountability in the QIO program. The I0M, the GAO and the HHS OIG have all questioned the effectiveness of the QIO program. This legislation would require the Secretary to perform interim and final evaluations of program effectiveness not only at the individual QIO level, but at the overall QIO program level as a whole. Also, high performing QIOs would receive financial rewards while low performing QIOs would receive financial penalties. Finally, the Secretary would be required to submit a more detailed annual report showing performance results of QIOs and MPROs and details on how taxpayer dollars are spent.

We have been placing more emphasis on the quality of care that our Medicare beneficiaries receive from providers. You see this as we require more transparency in the Medicare program with the public reporting of provider quality measures. You also see this as we transform Medicare from being a passive payer of services of any quality to a value-based purchaser. These are important reforms that will help improve the quality of care provided in the Medicare program and work toward ensuring that limited resources are used more efficiently and wisely.

As we move toward a payment system based on quality, the reforms in this bill will position the QIO program to support that transformation in Medicare to a quality-based purchaser by making the tools and assistance available to help Medicare providers improve the quality of the care they provide. The Continuing the Advancement of Quality Improvement Act would ensure the QIO program's ability to provide this assistance in an effective, efficient and accountable manner and correct the problems currently plaguing the program.

Mr. BAUCUS. Mr. President, today I am pleased to join Senator GRASSLEY in introducing the Continuing the Advancement of Quality Improvement Act of 2007.

This bill represents another step in our commitment to improving the quality of care provided for Medicare beneficiaries and all Americans.

The Medicare program funds Quality Improvement Organizations, known as QIOs, in part to work with health care providers to help them improve the quality of care they provide.

QIOs have played an evolving role in Medicare. Recently, the QIO program has received a great deal of attention. Not only did Senator GRASSLEY and I have the Senate Finance Committee look into aspects of QIO operations, but the Institute of Medicine, the Government Accountability Office, and the Health and Human Services' Inspector General have all opined about QIOs as well. It seems there is a consensus that the QIO program could be doing more to help improve the quality of care.

That is not to say that QIOs have not been doing good work and providing valuable services up until now. Quite the opposite. However, over the course of time, QIOs have been tasked with a number of responsibilities and the program's mission has become blurred.

What Senator GRASSLEY and I found, as well as the IOM, the GAO, and the HHS, OIG, is that the QIO program needs a sharper focus. Its mission to improve quality must be clear and unambiguous. Therefore, the Continuing the Advancement of Quality Improvement, or CAQI, Act would focus QIOs on providing technical assistance for quality improvement and performance measurement.

The bill would separate the beneficiary complaint process from QIOs and give this responsibility to Medicare Provider Review Organizations, which will be required to report to the complainant and refer the provider to a QIO for technical assistance and/or the appropriate regulatory body for sanctions. This will make the complaint review process stronger.

The CAQI Act would ensure that QIOs devote their attention to the health care providers that need help the most. It would also permit sharing QIO data with providers for quality improvement and patient safety purposes.

The Finance Committee investigation of the QIO program led Senator GRASSLEY and I to include certain provisions we believe will enhance the integrity of the program. So, the CAQI Act would promote competition by allowing other types of organizations to serve as QIOs and eliminating noncompetitive renewals.

To ensure ''corporate'' integrity, the CAQI Act would establish requirements for governance and boards of directors at the QIOs, as well as requiring CMS to establish ways to avoid conflicts of interest.

The CAQI Act aims to ensure greater accountability for individual QIOs, and the QIO program as a whole. It would require the Secretary to perform evaluations of the effectiveness of each QIO and the whole program. QIOs would be evaluated on consistent measures that are based on nationwide priorities for quality improvement. The Secretary would be required to report to Congress annually on QIO performance, including how program funds were spent.

The QIO program is an asset to the Medicare program and the health care system in general. We have an opportunity to improve its effectiveness. We can make it a more useful tool as we continue advancing toward quality improvement. We have a duty to make the Medicare program as strong and robust as it can be. The Continuing the Advancement of Quality Improvement Act presents an opportunity to do just that. Senator GRASSLEY and I urge our Colleagues to support it.

By Mr. REID (for himself, Mr. WYDEN, Mr. CRAIG, and Mr. DOMENICI):

S. 1949. A bill to direct the Secretary of the Interior to provide loans to certain organizations in certain States to address habitats and ecosystems and to address and prevent invasive species; to the Committee on Energy and Natural Resources.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1949

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''100th Meridian Invasive Species State Revolving Loan Fund''.

SEC. 2. PURPOSES.

The purpose of this Act is to encourage partnerships among Federal and State agencies, Indian tribes, academic institutions, and public and private stakeholders—

(1) to prevent against the regrowth and introduction of harmful invasive species;

(2) to protect, enhance, restore, and manage a variety of habitats for native plants, fish, and wildlife; and

(3) to establish a rapid response capability to combat incipient harmful invasive species.

SEC. 3. 100TH MERIDIAN INVASIVE SPECIES STATE REVOLVING FUND.

(a) DEFINITIONS.—In this section:

(1) ECOSYSTEM.—The term ''ecosystem'' means an area, considered as a whole, that contains living organisms that interact with each other and with the non-living environment.

(2) ELIGIBLE STATE.—The term ''eligible State'' means any State located in Region 4, as determined by the Census Bureau.

(3) FUND.—The term ''Fund'' means the 100th Meridian Invasive Species State Revolving Fund established by subsection (b).

(4) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination Act and Education Assistance Act (25 U.S.C. 450b).

(5) INTRODUCTION.—The term ''introduction'', with respect to a species, means the intentional or unintentional escape, release, dissemination, or placement of the species into an ecosystem as a result of human activity.

(6) INVASIVE SPECIES.—The term ''invasive species'' means a species—

(A) that is nonnative to a specified ecosystem; and

(B) the introduction to an ecosystem of which causes, or may cause, harm to—

(i) the economy;

(ii) the environment; or

(iii) human, animal, or plant health.

(7) QUALIFIED ORGANIZATION.—

(A) IN GENERAL.—The term ''qualified organization'' means an organization that—

(i) submits an application for a project in an eligible State; and

(ii) demonstrates an effort to address—

(I) a certain invasive species; or

(II) a certain habitat or ecosystem.

(B) INCLUSIONS.—The term ''qualified organization'' includes any individual representing, or any combination of—

(i) public or private stakeholders;

(ii) Federal agencies;

(iii) Indian tribes;

(iv) State land, forest, or fish wildlife management agencies;

(v) academic institutions; and
(vi) other organizations, as the Secretary determines to be appropriate.
(8) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.
(9) STAKEHOLDER.—The term ''stakeholder'' includes—
(A) State, tribal, and local governmental agencies;
(B) the scientific community; and
(C) nongovernmental entities, including environmental, agricultural, and conservation organizations, trade groups, commercial interests, and private landowners.
(b) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a revolving fund, to be known as the ''100th Meridian Invasive Species State Revolving Fund'', consisting of—
(1) such amounts as are appropriated to the Fund pursuant to subsection (h); and
(2) interest earned on investments of amounts in the Fund under subsection (e).
(c) EXPENDITURES FROM FUND.—
(1) IN GENERAL.—Subject to paragraph (2), on request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines are necessary to provide loans under subsection (f)(1).
(2) ADMINISTRATIVE EXPENSES.—Of the amounts in the Fund—
(A) not more than 5 percent shall be available for each fiscal year to pay the administrative expenses of the Department of the Interior to carry out this section; and
(B) not more than 10 percent shall be available for each fiscal year to pay the administrative expenses of a qualified organization to carry out this section.
(d) TRANSFERS OF AMOUNTS.—
(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.
(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.
(e) INVESTMENT OF AMOUNTS.—
(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.
(2) INTEREST BEARING OBLIGATIONS.—Investments may be made only in interest-bearing obligations of the United States.
(f) USE OF FUND.—
(1) LOANS.—
(A) IN GENERAL.—The Secretary shall use amounts in the Fund to provide loans to Governors of eligible States for distribution to qualified organizations to prevent and remediate the impacts of invasive species on habitats and ecosystems.
(B) ELIGIBILITY.—
(i) IN GENERAL.—To be eligible to receive a loan under this paragraph, a qualified organization shall submit to the Governor of the eligible State in which the project of the qualified organization is located an application at such time, in such manner, and containing such information as the Governor may require.
(ii) CRITERIA FOR APPROVAL.—The Governor of an eligible State may approve an application of a qualified organization under clause (i) if the Governor determines that the qualified organization is carrying out or will carry out a project—
(I) designed to fully assess long-term comprehensive severity of the problem or potential problem addressed by the project;
(II) that seeks to prevent—
(aa) the introduction or spread of invasive species from outside the United States into an eligible State; or
(bb) the spread of an established invasive species into an eligible State;
(III) to prevent the regrowth or reintroduction of an invasive species, to the extent to which the qualified organization has achieved progress with respect to reduction or elimination of the invasive species;
(IV) in rare or unique habitats, such as—
(aa) desert terminal lakes;
(bb) rivers that feed desert terminal lakes;
(cc) desert springs; and
(dd) alpine lakes;
(V) that is likely to prevent or resolve a problem relating to invasive species;
(VI) to remediate the spread of aquatic invasive species within important bodies of water, as determined by the Secretary (including the Colorado River);
(VII) to assess and promote wildfire management strategies, increase the supply of native plant materials, and reintroduce native plant species intended to limit or mitigate the impacts of invasive species;
(VIII) to assess and reduce invasive species-related changes in wildlife habitat;
(IX) to assess and reduce negative economic impacts and other impacts associated with control methods and the restoration of a native ecosystem;
(X) to improve the overall capacity of the United States to address invasive species; or
(XI) to promote cooperation and participation between States that have common interests regarding invasive species.
(C) SENSE OF CONGRESS REGARDING MULTISTATE COMPACTS.—It is the sense of Congress that—
(i) Governors of States should enter into multistate compacts in coordination with qualified organizations to prevent, address, and remediate against the spread of animals, plants, or pathogens, or aquatic, wetland, or terrestrial invasive species;
(ii) the Secretary should give special consideration to multistate compacts described in clause (i) in reviewing loan solicitations and applications of the States and qualified organizations that are parties to the compacts; and
(iii) if a multistate compact is entered into under clause (i), the Governors of all States that are parties to the compact should combine to repay to the Secretary of the Treasury a total combined amount equal to not less than 25 percent of the amount of the loan provided under this Act (including interest at a rate less than or equal to the market interest rate).
(D) PETITIONS.—
(i) ACTION BY GOVERNOR.—On approval of an application of a qualified organization under subparagraph (B)(ii), not less frequently than once every 90 days, the Governor of an eligible State shall submit to the Secretary, on behalf of the qualified organization, petitions, together with copies of the applications, to receive a loan under this paragraph.
(ii) APPROVAL.—The Secretary, at the sole discretion of the Secretary, may approve a petition submitted under clause (i) as soon as practicable after the date of submission of the petition.
(iii) ACTION ON APPROVAL.—
(I) ACTION BY SECRETARY.—Not later than 30 days after the date of approval of a petition under clause (ii), the Secretary shall provide to the applicable Governor a loan under this paragraph.
(II) ACTION BY GOVERNOR.—Not later than 30 days after the date of receipt of a loan under subclause (I), a Governor shall transmit to the appropriate qualified organization an amount equal to the amount of the loan.
(E) PRIORITY.—In providing loans under this paragraph, the Secretary shall give priority to applications of qualified organizations carrying out, or that will carry out, more than 1 project described in subparagraph (B)(ii).
(2) REQUIREMENTS.—
(A) LOAN REPAYMENT.—
(i) IN-KIND CONSIDERATION.—With respect to loan repayment under clause (ii), the Secretary may accept, in lieu of monetary payment, in-kind contributions in such form and such quantity as may be acceptable to the Secretary, including contributions in the form of—
(I) maintenance, remediation, prevention, alteration, repair, improvement, or restoration (including environmental restoration) activities for approved projects; and
(II) such other services as the Secretary considers to be appropriate.
(ii) REPAYMENT.—Subject to clause (iv), not later than 10 years after the date on which a qualified organization receives a loan under paragraph (1), the qualified organization or the eligible State in which the qualified organization is located shall repay to the Secretary of the Treasury an amount equal to not less than 5 percent of the amount of the loan (including interest at a rate less than or equal to the market interest rate).
(iii) REPAYMENT BY STATE.—Subject to clause (iv), not later than 10 years after the date on which the qualified organization receives a loan under paragraph (1), the State in which the project is carried out shall repay to the Secretary of the Treasury an amount equal to not less than 25 percent of the amount of the loan (including interest at a rate less than or equal to the market interest rate).
(iv) WAIVER.—Not more frequently than once every 5 years, the Secretary, in consultation with the Secretary of the Treasury, may waive the requirements under clauses (i) through (iii) with respect to 1 qualified organization (including the State in which the project of the qualified organization is carried out, with respect to the requirement under clause (iii)).
(B) LONG-TERM MANAGEMENT AND REMEDIATION STRATEGIES.—The Secretary shall ensure that no loan provided under paragraph (1) is used to carry out a long-term management or remediation strategy, unless the Governor or applicable qualified organization demonstrates either or both a reliable funding stream and in-kind contributions to carry out the strategy over the duration of the project.
(3) RENEWAL.—After reviewing the reports under subsection (g), if the Secretary, in consultation with the Governor of each affected State, determines that a project is making satisfactory progress, the Secretary may renew the loan provided under this subsection for a period of not more than 3 additional fiscal years.
(g) REPORTS.—
(1) REPORTS TO SECRETARY.—For each year during which a qualified organization receives a loan under subsection (f), the qualified organization, in conjunction with the Governor of the eligible State in which the qualified organization is primarily located, shall submit to the Secretary a report describing each project (including the results of the project) carried out by the qualified organization using the loan during that year.
(2) REPORT TO CONGRESS.—Not later than September 30, 2008, and annually thereafter through September 30, 2012, the Secretary shall submit a report describing the total loan amount requested by each eligible State during the preceding fiscal year and the total amount of the loans provided under subsection (f)(1) to each eligible State during

that fiscal year, and an evaluation on effectiveness of the Fund and the potential to expand the Fund to other regions, to—

(A) the Committees on Appropriations, Energy and Natural Resources, and Environment and Public Works of the Senate; and

(B) the Committees on Appropriations and Natural Resources of the House of Representatives.

(3) REPORT BY BORROWER.—

(A) IN GENERAL.—Each qualified organization that receives a loan under subsection (f)(1) shall submit to the Secretary a report describing the use of the loan and the success achieved by the qualified organization—

(i) not less frequently than once each year until the date of expiration of the loan; or

(ii) if the loan expires before the date that is 1 year after the date on which the loan is provided, at least once during the term of the loan.

(B) INTERIM UPDATE.—In addition to the reports required under subparagraph (A), each qualified organization that receives a loan under subsection (f)(1) shall submit to the Secretary, electronically or in writing, a report describing the use of the loan and the success achieved by the qualified organization, expressed in chronological order with respect to the date on which each project was initiated—

(i) not less frequently than once every 180 days until the date of expiration of the loan; or

(ii) if the loan expires before the date that is 180 days after the date on which the loan is provided, on the date on which the term of the loan is 50 percent completed.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund—

(1) $75,000,000 for fiscal year 2008;

(2) $80,000,000 for fiscal year 2009;

(3) $82,500,000 for fiscal year 2010;

(4) $85,000,000 for fiscal year 2011; and

(5) $87,500,000 for fiscal year 2012.

By Mr. FEINGOLD:

S. 1953. A bill to amend the Agricultural Manufacturing Act of 1946 to require labeling of raw agricultural forms of ginseng, including the country of harvest, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. FEINGOLD. Mr. President, I would like to discuss legislation I am introducing with the Senior Senator from Wisconsin, Mr. KOHL, which would protect ginseng farmers and consumers by ensuring that ginseng is labeled accurately with where the root was harvested. The Ginseng Harvest Labeling Act of 2007 is similar to bills that I introduced in previous Congresses and developed after hearing suggestions from ginseng growers and the Ginseng Board of Wisconsin.

I would like to take the opportunity to discuss American ginseng and the problems facing Wisconsin's ginseng growers so that my colleagues understand the need for this legislation. Chinese and Native American cultures have used ginseng for thousands of years for herbal and medicinal purposes. As a dietary supplement, American ginseng is widely touted for its ability to improve energy and vitality, particularly in fighting fatigue or stress.

In the U.S., ginseng is experiencing increasing popularity as a dietary supplement, and I am proud to say that my home State of Wisconsin is playing a central role in ginseng's resurgence. Wisconsin produces over 90 percent of the ginseng grown in the U.S., with the vast majority of that ginseng grown in just one Wisconsin county, Marathon County. Ginseng is also grown in a number of other states such as Maine, Maryland, New York, North Carolina, Oregon, South Carolina, and West Virginia.

For Wisconsin, ginseng has been an economic boon. Wisconsin ginseng commands a premium price in world markets because it is of the highest quality and because it has a low pesticide and chemical content. In 2002, U.S. exports of ginseng totaled nearly $45 million, much of which was grown in Wisconsin. With a huge market for this high-quality ginseng overseas, and growing popularity for the ancient root here at home, Wisconsin's ginseng industry should have a prosperous future ahead.

Unfortunately, the outlook for ginseng farmers is marred by a serious problem, smuggled and mislabeled ginseng. Wisconsin ginseng is considered so superior to ginseng grown abroad that smugglers will go to great lengths to label ginseng grown in Canada or Asia as ''Wisconsin-grown.''

Here is how the switch takes place: Wisconsin ginseng is shipped to China to be sorted into various grades. While the sorting process is itself a legitimate part of distributing ginseng, smugglers too often use it as a ruse to switch Wisconsin ginseng with Asian or Canadian-grown ginseng considered inferior by consumers. The lower quality ginseng is then shipped back to the U.S. for sale to American consumers who think they are buying the Wisconsin-grown product.

There is good reason consumers should want to know that the ginseng they buy is American-grown considering that the only accurate way of testing ginseng to determine where it was grown is to test for pesticides that are banned in the U.S. The Ginseng Board of Wisconsin has been testing some ginseng found on store shelves, and in many of the products, residues of chemicals such as DDT, lead, arsenic, and quintozine, PCNB, have been detected. Since the majority of ginseng sold in the U.S. originates from countries with less stringent pesticide standards, it is vitally important that consumers know which ginseng is really grown in the U.S.

To capitalize on their product's preeminence, the Ginseng Board of Wisconsin has developed a voluntary labeling program, stating that the ginseng is ''Grown in Wisconsin, U.S.A.'' However, Wisconsin ginseng is so valuable that counterfeit labels and ginseng smuggling have become widespread around the world. As a result, consumers have no way of knowing the most basic information about the ginseng they purchase—where it was grown, what quality or grade it is, or whether it contains dangerous pesticides.

My legislation, the Ginseng Harvest Labeling Act of 2007, proposes some common sense steps to address some of the challenges facing the ginseng industry. My legislation requires that ginseng, as a raw agricultural commodity, be clearly labeled with the country of harvest at the point of importation or when it is sold at wholesale or retail. ''Harvest'' is important because some Canadian and Chinese growers have ginseng plants that originated in the U.S., but because these plants were cultivated in a foreign country, they may have been treated with chemicals not allowed for use in the U.S. This label would also allow buyers of ginseng to more easily prevent foreign companies from mixing foreign-produced ginseng with ginseng harvested in the U.S. The country of harvest labeling is a simple but effective way to enable consumers to make an informed decision.

I have also made sure that these straight-forward labeling provisions are reasonable for the legitimate importers, wholesalers and retailers of ginseng. My bill only covers ginseng as a raw root, the form in which the majority of the high quality Wisconsin ginseng is sold. I have also clarified the legislation to make it clear that retailers are only responsible for transmitting the country of harvest label that they received from the importer or wholesaler to the consumer. So if the retailer never received the country of harvest label, it is only the wholesaler or importer that is liable. Moreover, I added a provision that requires the USDA to conduct outreach to the wholesalers, importers, retailers, trade associations and other interested parties during the 180 days provided before the labeling requirement takes effect.

Besides the support from the ginseng growers of the Ginseng Board of Wisconsin, I am glad to have the support of the American Herbal Products Association and the United Natural Products Alliance. The support of both the growers of ginseng and these trade associations focused on herbal and natural products are further testament to the broad support for the legislation Senator KOHL and I introduce today.

These commonsense reforms would give ginseng growers the support they deserve and help consumers make informed choices about the ginseng that they consume. We must ensure that when ginseng consumers seek out a high-quality ginseng root—such as Wisconsin-grown ginseng, they are getting the real thing, not a knock-off.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1953

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Ginseng Harvest Labeling Act of 2007''.

SEC. 2. DISCLOSURE OF COUNTRY OF HARVEST FOR GINSENG.

The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) is amended by adding at the end the following:

''Subtitle E—Ginseng

''SEC. 291. DISCLOSURE OF COUNTRY OF HARVEST.

''(a) DEFINITIONS.—In this section:

''(1) GINSENG.—The term 'ginseng' means an herb or herbal ingredient that is derived from a plant classified within the genus Panax.

''(2) RAW AGRICULTURAL COMMODITY.—The term 'raw agricultural commodity' has the meaning given the term in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

''(3) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

''(b) DISCLOSURE.—

''(1) IN GENERAL.—A person that offers ginseng for sale as a raw agricultural commodity shall disclose to a potential purchaser the country of harvest of the ginseng.

''(2) IMPORTATION.—A person that imports ginseng as a raw agricultural commodity into the United States shall disclose at the point of entry into the United States, in accordance with section 304 of the Tariff Act of 1930 (19 U.S.C. 1304), the country in which the ginseng was harvested .

''(c) MANNER OF DISCLOSURE.—

''(1) IN GENERAL.—The disclosure required by subsection (b) shall be provided to a potential purchaser by means of a label, stamp, mark, placard, or other easily legible and visible sign on the ginseng or on the package, display, holding unit, or bin containing the ginseng.

''(2) RETAILERS.—A retailer of ginseng as a raw agricultural commodity shall—

''(A) retain the means of disclosure provided under subsection (b); and

''(B) provide the received means of disclosure to a retail purchaser of the ginseng.

''(3) REGULATIONS.—The Secretary shall by regulation prescribe with specificity the manner in which disclosure shall be made in a transaction at the wholesale or retail level (including a transaction by mail, telephone, internet, or in retail stores).

''(d) FAILURE TO DISCLOSE.—The Secretary may impose on a person that fails to comply with subsection (b) a civil penalty in an amount of not more than—

''(1) $1,000 for the first day on which the failure to disclose occurs; and

''(2) $250 for each subsequent day on which the failure to disclose continues.

''(e) INFORMATION.—The Secretary shall make information available to wholesalers, importers, retailers, trade associations, and other interested persons concerning the requirements of this section (including regulations promulgated to carry out this section).''.

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect on the date that is 180 days after the date of enactment of this Act.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mrs. LINCOLN, Mr. ROBERTS, Mr. CONRAD, Mr. ENZI, Mr. SCHUMER, Mr. COCHRAN, Mr. SALAZAR, Mr. SMITH, Mr. BINGAMAN, and Ms. SNOWE):

S. 1954. A bill to amend title XVIII of the Social Security Act to improve access to pharmacies under part D; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today I am introducing the Pharmacy Access Improvement Act of 2007. This is an updated version of a bill I introduced last year, and I am proud to bring it back.

I am excited that this year's bill is bipartisan. I am happy that Senator GRASSLEY has joined me in introducing this bill. Given all of our work together on the Medicare prescription drug benefit, I am glad he is a cosponsor. I also am pleased to have our Senate colleagues join us on this important piece of legislation.

The Medicare prescription drug benefit got off to a bumpy start last year. A lot of the problems have been fixed, and the benefit is providing millions of seniors with access to affordable prescription drugs. Unfortunately, a number of the problems facing pharmacists remain. We need to help them.

The Medicare drug benefit brought about big changes to the pharmacy business. Dual eligible beneficiaries switched from Medicaid to Medicare drug coverage. Many more seniors have drug coverage. Dozens of new private drug plans are available.

I have heard from pharmacists in Montana who are struggling. They are trying to help their patients. But they face great difficulty. The success of the Medicare drug benefit depends on the pharmacists who deliver the drugs. So we have to help them. We must act now, before pharmacists find that they are no longer able to provide drugs to Medicare beneficiaries, or to provide drugs at all.

The Pharmacy Access Improvement Act would do several things to help pharmacies. First, it would strengthen the access standards that drug plans have to meet. It is important that the drug plans contract with broad and far-reaching networks of pharmacies. This bill would ensure that the pharmacies that drug plans count in their networks provide real access to Medicare beneficiaries.

It would also help safety net pharmacies to join drug plan networks. These pharmacies serve the most vulnerable patients and should be able to continue to do so. Drug plans should not be allowed to exclude safety net pharmacies. Excluding them does a huge disservice to needy beneficiaries. This bill would rectify the problems that safety net pharmacies have encountered in participating in the Medicare drug benefit.

The Pharmacy Access Improvement Act would speed up reimbursement to pharmacies. The delays in receiving payment from drug plans have forced pharmacies to seek additional credit, dip into their savings, or worse, as they try to continue operations. This bill would require drug plans to pay promptly. Most claims would be reimbursed within 2 weeks. And the bill would impose a monetary penalty on plans that pay late.

One of the most common complaints from beneficiaries has been how confusing the practice of co-branding is. Co-branding is when a drug plan partners with a pharmacy chain and then includes the pharmacy's logo or name on its marketing materials and identification cards. This is confusing, because it sends the message that drugs are available only from that pharmacy. That is not true. To help end this confusion, the Pharmacy Access Improvement Act would prohibit drug plans from placing pharmacy logos or trademarks on their identification cards and restrict other forms of co-branding.

This bill would also require that plans provide pharmacists with more accurate and updated information about reimbursement rates. Currently, some plans do not divulge to pharmacists how much a particular prescription will be reimbursed prior to dispensing. This bill would require disclosure before a pharmacist dispenses. It would require regular updating and disclosure of pricing standards.

The problems that pharmacists are facing are real. And they are not going away. We must act on the Pharmacy Access Improvement Act before it is too late for many pharmacists and the beneficiaries whom they serve. We have a duty to make the Medicare drug benefit as strong and robust as it can be. And the Pharmacy Access Improvement Act presents an opportunity for us to do just that. My cosponsors and I urge our colleagues to support it.

Mr. GRASSLEY. Mr. President, I am pleased to join my good friend and colleague Senator BAUCUS, as well as Senators LINCOLN, ROBERTS, CONRAD, ENZI, SCHUMER, COCHRAN, SALAZAR, SMITH, BINGAMAN, and SNOWE, to introduce the Pharmacy Access Improvement Act.

I am pleased with how well the Medicare Part D program is working. It has demonstrated how effectively private sector competition can work in delivering an entitlement benefit. The program has defied official predictions and come in under budget by $113 billion compared to the baseline projected in 2006. Premiums, initially estimated at $37 for 2006, in fact averaged $23; in 2007 they fell to an average of $22. We understand that this year's bids are even lower and that premiums are expected to fall again next year. The vast majority of Medicare beneficiaries have enrolled in the program, and while there were some troubling start-up problems initially, beneficiaries are very pleased with their plans.

At the same time, the first years of implementation of the Part D program have revealed some areas in which the program can be improved. One is related to pharmacy participation in the program. Changes are needed to ensure that Part D treats pharmacies as Congress intended and to make the program friendlier to pharmacists and independent pharmacies.

As Senator BAUCUS, Senator LINCOLN, and my other colleagues and I talked to beneficiaries, pharmacists, pharmacy owners and prescription drug plans about changes that would make Medicare Part D work better, many of our discussions centered around how to make sure that Part D works not just

for the beneficiaries, the chain drugstores, and the plans, but also for the local, independent pharmacies, the long-term care pharmacies, and the safety net pharmacies that many beneficiaries rely on. That is exactly what this bill is intended to do.

My colleagues and I hope with this bill to improve contracting for pharmacies, increase CMS's and prescription drug plans' customer service, and give beneficiaries better access to pharmacies. Let me give you some of the specifics of the bill.

First, the Pharmacy Access Improvement Act would strengthen standards for ensuring convenient beneficiary access to pharmacies. During the first two years of implementation, CMS has permitted some plans to meet the pharmacy access requirements in the law by counting non-preferred and out-of-network pharmacies. The plans charge higher cost-sharing at these pharmacies to discourage their use and drive utilization to preferred pharmacies. Counting non-preferred and out-of-network pharmacies to meet the access requirements is clearly not what Congress had in mind in establishing the beneficiary access guarantees in the law. To correct this problem, this bill would require that plans, with certain exceptions, count only ''open'' pharmacies, those that are accessible to the general public, in meeting the Medicare pharmacy access standard.

It also would require plans to count only their preferred in-network pharmacies, not the non-preferred pharmacies, in determining whether they meet the access standard.

The bill would allow pharmacies to initiate negotiations with plans under the ''any willing pharmacy'' provision regardless of whether they had already rejected, or failed to act on, previous offers from the plan.

The bill also would help ensure the inclusion of safety-net pharmacies in a prescription drug plan's network by preventing plans from specifically excluding 340B entities in the terms of their contracts. 340B entities include federally qualified health centers, migrant health centers, health centers for residents of public housing, school health centers, as well as black lung clinics, entities receiving grants for early intervention for HIV under the Ryan White Act, disproportionate share hospitals, and others. They serve more than ten million people.

Many of these entities operate their own pharmacies, which operate under different constraints than other retail pharmacies. They may have abbreviated hours or be available only to patients of the 340B entity. If 340B entities' pharmacies are not available as in-network pharmacies in Part D, these patients may have difficulty getting their prescription drugs.

The Model Safety Net Pharmacy Addendum was developed by the Centers for Medicare and Medicaid Services and the Health Research and Services Administration to facilitate 340B entities' participation in Medicare Part D. Because it takes the 340B entities' special circumstances into account, it has appropriate contract language for Part D plans to use when contracting with safety net pharmacies. Under the bill, plans would have to apply the Model Safety Net Pharmacy Addendum to their contracts if a 340B entity so requests.

The bill also would require plans to include a contract provision to allow these safety net pharmacies to waive cost-sharing if the entity so requests. Many safety-net pharmacies waive cost-sharing for their patients, but the Part D plan contracts typically prohibit this. Given that 340B entities serve low-income and poor populations, we believe those entities should be able to waive cost sharing for drugs, and our bill would facilitate that.

We have found that long-term care pharmacies similarly operate under conditions different from those of retail pharmacies serving the general population. For institutionalized populations, each resident's daily drugs must be specially packaged to help ensure that each gets the drugs meant for her, not for other residents. Long-term care pharmacies specialize in this, but the Part D rules to date do not adequately reflect how long-term care pharmacies work with long-term care facilities, which affects residents' access to these pharmacies. Our bill would require the Secretary to establish rules that include pharmacy access standards for long-term care residents.

Another problem that has arisen in the implementation of Part D concerns the ability of beneficiaries to obtain extended supplies of their drugs from a local pharmacy. Our bill therefore would ask the Secretary to establish standards for access to pharmacies that dispense extended supplies of covered drugs.

We have also heard from our local independent pharmacies that many, despite contract terms, face delayed payments from prescription drug plans. Given that the pharmacies must pay for their drugs on a more abbreviated schedule, these delays have created cash-flow crises for some pharmacies and put some at risk of closing. As much as I hate to legislate contract terms, I would hate more for the independent pharmacies in my State to close and my beneficiaries to be left without a pharmacy. In our bill, we would require plans to pay most pharmacies within 14 days upon receipt of an electronically submitted clean claim. For paper claims, they would have 30 days. If they were late, the prescription drug plans would have to pay the pharmacies interest. If a pharmacy submitted claims electronically and requested electronic payment, the plan would have to pay electronically.

Because long-term care pharmacies operate under unusual circumstances compared with retail pharmacies, our bill would allow pharmacies in long-term care facilities, or that contract with long-term care facilities, at least 30 days but no more than 90 days to submit their claims for reimbursement to the plans.

Another problem involves how plans use maximum allowable prices as the upper limit of what they will pay a retail pharmacy for the cost of a drug. What has come to light is that some plans will not disclose to the contracting pharmacies exactly what the maximum allowable prices are either when the contract is proposed to them or even after they sign the contract.

It seems unconscionable to me that a pharmacy would be expected to sign a contract where the price term is hidden and not disclosed. In the Medicare program, no other health care providers are subject to signing a contract in which they don't know what they will get paid.

Another abusive practice by some plans occurs when they do not update their maximum allowable prices in a timely manner. When a pharmaceutical company raises its price for a drug the pharmacy has to pay that new higher price right away. But the plan might not update what it pays for weeks. That leaves the pharmacy to absorb the difference. The plans that do this know exactly what they are doing. They know they are making the pharmacies eat the higher cost while they delay updating their payment rates. To address these concerns, the bill would require plans to disclose to pharmacies their ''maximum allowable cost'' pricing, and also to update those prices as they change, through an Internet website and a toll-free phone number.

Similarly, the bill would require plans to update their prescription drug pricing standard at least every seven days. The drug pricing standard changes frequently, and the price the pharmacy is paid is based on that standard, and so it seemed fair to us that the prescription drug plans' payments should reflect recent changes.

Our bill is intended to improve CMS's and prescription drug plans' service to pharmacies. It would require the HHS Secretary to establish a pharmacists' toll-free hotline. Prescription drug plans would have to establish separate pharmacists' and physicians' toll-free hotlines, and would have to comply with customer service standards established by the Secretary. We hope this will prevent pharmacists being placed on long holds when they have customers standing at the counter waiting for their drugs.

We have some questions about pharmacists' average dispensing fees, and under the bill the HHS Inspector General would conduct a study of dispensing fees, including studying whether the pharmacist is dispensing a standard prescription or an extended one; whether the pharmacist is in a chain store or an independent pharmacy; whether the pharmacy dispenses specialty pharmacy products, or is a

long-term care pharmacy. The Inspector General's report would be due October 1, 2008.

I believe that with these changes, the Medicare Part D program will work even better for beneficiaries and for the pharmacies that serve them. As we refine the Medicare Part D program, we want to build on its success even as we hope to make it fairer to all the stakeholders involved, the beneficiaries, the pharmacies, the PDP plans, and the manufacturers. I believe this bill does just that.

By Mr. CONRAD (for himself and Ms. STABENOW): S. 1955. A bill to authorize the Secretary of Homeland Security to make grants to first responder agencies that have employees in the National Guard or Reserves on active duty; to the Committee on Homeland Security and Governmental Affairs.

Mr. CONRAD. Mr. President, our Nation's first responders are vital to protecting our citizens from everyday crime, and to keeping our citizens safe from fire and health-related emergencies. Our first responders are also vital in the event of disaster, whether man-made or natural.

But these same men and women that keep us safe and healthy at home are often called upon to fight for our country abroad with the National Guard and Reserves; or sometimes they are called to active duty within the U.S. The demands on the Guard and Reserves have become extremely heavy during the wars in Iraq and Afghanistan.

However, the demands on first responders here at home do not decrease and local fire, police and ambulance services are forced to manage without key employees.

That is why I am introducing the Reinforce First Responders and Emergency Employees Deployed Overseas in the Military, or Reinforce FREEDOM Act today. My bill will reinforce local first responder agencies whose employees are fighting for our freedom overseas. It establishes a grant program through the Department of Homeland Security for first responder agencies that have employees deployed with the National Guard or Reserves.

The grants are available to law enforcement and fire departments, as well as public and private ambulance services. Agencies are eligible to receive up to $15,000 for each 3 month period they are without employees serving with the military. Primarily volunteer organizations are eligible if they are missing a substantial part of their workforce. The funds from these grants can be used to hire replacement employees or for overtime salary expenses. The funds can also be used for non-salary costs that were created by the employees' deployment with the Guard or Reserves, or which would alleviate the impact of their absence.

Extra funding perhaps cannot fully make up for the loss of crucial employees. But this bill will help ensure that first responder agencies can continue to keep the American people safe when their Guardsmen and Reservist employees are called to defend the United States of America.

By Mr. BAUCUS (for himself, Mr. DOMENICI, Mr. BINGAMAN, Mr. SMITH, Ms. STABENOW, Mr. MCCAIN, Ms. CANTWELL, and Mr. LEVIN):

S. 1956. A bill to amend part E of title IV of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I want to begin my remarks by commending the thousands of case workers, foster families, neighbors and friends across the country that work to provide safety, stability, and love for the more than half a million children in the Nation's foster care system. More than a third of foster children in Montana are Native American. Across America, most of the Native American children in foster care are under the jurisdiction of tribal courts. But Native American tribes that want to administer their own child welfare systems are not eligible for Title IV–E funds to run their own foster care and adoption programs.

Today I am proud to introduce with Senators DOMENICI, BINGAMAN, SMITH, STABENOW, MCCAIN, and CANTWELL the Tribal Foster Care and Adoption Act of 2007. This legislation is a demonstration of the commitment on both sides of the aisle to provide tribes with the opportunity to care for their own children. Children that need foster care and adoption services because of the abuse and neglect that they have already suffered. This bill provides tribes with the ability to serve their children directly with culturally appropriate care and understanding. The legislation also recognizes the good work of states and their collaborative efforts with tribes on behalf of tribal children.

This legislation has had a long history in the Senate and I am pleased to have been a part of that history since the 107th congress. It has been introduced in every Congress since then always with bipartisan support. This bill's time has come.

We have worked very hard to fine tune this legislation in away that is fair to states and finally gives Tribes direct access to the child welfare system. We want a system set up to protect those that need our protection the most not to exclude the most vulnerable members of our society from direct participation.

The child welfare system is languishing because of inadequate funding. And the system also suffers from a lack of culturally-appropriate approaches to help tribal children to find loving, permanent homes. I am further committed to working on behalf of our child welfare system with Chairman GRASSLEY and with Senator ROCKEFELLER who have always been dedicated to child welfare issues. The Tribal Foster Care and Adoption Act provides a pivotal opportunity to ensure that tribes across our country have the ability to access the child welfare system. I see this as a first step in making much needed improvements to the country's child welfare system, without significant costs or new federal programs.

We owe the first inhabitants of this great Nation and their children a child welfare system that works for them. We must do all we can to provide help.

By Mr. SCHUMER (for himself, Mrs. HUTCHISON, Mrs. FEINSTEIN, Mr. HATCH, Mr. WHITEHOUSE, Mr. GRAHAM, Mr. KOHL, Mrs. CLINTON, and Ms. SNOWE):

S. 1957. A bill to amend title 17, United States Code, to provide protection for fashion design; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today to express my support for S. 1957, the Design Piracy Prohibition Act. As one who has been involved in national intellectual property, patent, copyright and trademark policy development for many years, I can tell you first-hand how difficult it can be to legislate in these areas. The Constitution expressly tasks Congress with the duty to protect the rights of property owners, including intellectual property owners. And we spend a good bit of time here legislating in the areas of music, art, movies, television, radio, books, and so many other things that exist solely because of intellectual property rights.

However, one area of our economy that has been overlooked and not benefited from the legal framework associated with intellectual property law is the area of fashion design. And yet fashion design is one area where America enjoys a trade surplus and has clear leaders in the world market. In fact, much of the world apparel and accessory industry takes follows the lead of our world renowned fashion experts. However, the protections of their designs are not taken as seriously as we take other forms of property rights, thereby, hurting a thriving American industry around the world.

In an effort to bring some balance to the property rights of designers, Senators SCHUMER, HUTCHISON, FEINSTEIN, WHITEHOUSE, GRAHAM, KOHL, CLINTON, SNOWE, and I are introducing this legislation. The goal of S. 1957 is to ensure that those who spend their time and money developing new and innovative fashion designs are able to secure and enforce adequate copyright protections for their hard work. And I support that goal.

As I stated earlier, this is a difficult area of law in which to legislate and the balancing of the rights of property owners and consumers is often difficult. In fact, the U.S. has been changing and refining intellectual property laws for over 200 years and in some areas we still have not gotten it right.

It must be recognized that this bill is not perfect and there are several legitimate concerns with the way this bill attempts to protect designs. I will be working with my colleagues to make improvements to this bill as it goes through the Senate process. Some areas of the bill that need to be improved are: the standard for liability, the definition of designs in the public domain, and the secondary liability provisions. However, I am certain we will be able to work through these issues and move this bill forward.

I want to thank my colleague, Senator SCHUMER, for introducing this bill. It takes a strong will, and a strong stomach, to take on the job of moving intellectual property-related legislation through Congress. I'm sure Senator SCHUMER is up to the task and I look forward to helping him.

By Ms. COLLINS (for herself and Mr. COLEMAN):

S. 1959. A bill to establish the National Commission on the Prevention of Violent Radicalization and Homegrown Terrorism, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, I rise to introduce the Violent Radicalization and Homegrown Terrorism Prevention Act of 2007.

Foreign-based terrorism has weighed heavily in the news and in our thoughts for more than a decade. Since the first bombing of the World Trade Center in 1993, we have seen foreign-based terrorists attack our embassies in Tanzania and Kenya, a Navy destroyer in Yemen, the World Trade Center again, and the Pentagon. Timely arrests prevented foreign-based terrorists from carrying out a bombing plot directed at the Los Angeles airport and, more recently, attacks targeting U.S.-bound flights originating in England.

This long-standing and still-deadly threat requires continued surveillance and aggressive action, and will for years to come. But we cannot confine our counter-terrorism efforts to attacks organized in and launched from other countries. As demonstrated by the bloody bombing of the Oklahoma City Federal office building in 1995 and by this year's arrests of suspects in plots directed at JFK International Airport and Fort Dix, NJ, domestic radicalization and violent extremism are also threats to American lives and American society.

The most effective border security will not prevent ''home-grown'' terrorists from attacking our citizens. We need to better understand the triggers for radicalization and violence in order to counter the threat of terrorists on American soil.

For nearly a year now, Senator LIEBERMAN and I have conducted an investigation and held a series of hearings in the Senate Homeland Security Committee probing different aspects of this domestic danger by examining radicalization in prisons, radicalization trends, the Internet and violent extremism, lessons from the European experience, and the adequacy of government counter-measures.

The harvest of information and insights from these hearings has helped alert us to dangers, guide our oversight activities, and formulate ideas for legislative action. The testimony and evidence we have seen persuade me that we need to undertake an even more in-depth examination of the threats of domestic radicalization and violent extremism.

The Violent Radicalization and Homegrown Terrorism Prevention Act would provide such an examination. It is a companion measure to the bill introduced by Representatives JANE HARMAN of California and DAVE REICHERT of Washington in the House of Representatives. Congresswoman HARMAN has been extraordinarily perceptive in understanding the threat of violent radicalization, and her bill's unanimous approval by the House Homeland Security Committee is a tribute to her leadership.

My bill, like the House measure, includes two key initiatives.

First, it would create a National Commission on the Prevention of Violent Radicalization and Homegrown Terrorism.

Second, it would establish a university-based Center of Excellence for the Study of Radicalization and Homegrown Terrorism in the U.S.

The Commission would devote itself to a survey of what we know, and what we need to learn, about the social and psychological breeding grounds of extremism, the process of radicalization, the factors that cause people to turn to violence, the processes of recruitment and coordination, and the phenomenon of self-radicalization and ''lone wolf'' terrorism.

To ensure a broad range of input for the commission, members would be selected for their qualifications by the President, the majority and minority leaders of the House and Senate, and the chairman and ranking member of the Homeland Security Committees of the House and Senate.

The commission's final report, to be delivered within 18 months of its initial meeting, would provide a solid base of information and a guide for further research and action against the dangers that we face.

A ''final report,'' however useful, cannot be the last word in the fight against a threat that has been growing for years and may persist for decades. That is why the bill takes the important second step of establishing a university-based Center of Excellence focused on homegrown terrorism, violent radicalization, and ideologically based violence.

The Department of Homeland Security currently has 8 Centers for Excellence focusing on various aspects of homeland security, such as risk-analysis, food protection, and catastrophic-event preparedness and response.

My bill would empower the Secretary of Homeland Security to designate a new center or to expand the mission of an existing center. In either case, such a center will provide an institution dedicated to researching and understanding violent radicalization and homegrown terrorism, and to developing findings that can assist Federal, State, local, and tribal governments in dealing with these threats.

It is vital, that our homeland-security efforts extend to a systematic and comprehensive understanding of the radicalization process that turns people living in our midst to ideologically based violence and terrorism. It is also vital that we create an academically based center to sustain high-quality research efforts on this threat to augment federal initiatives and to expand and supplement Government thinking.

This bill, which closely parallels legislation now moving through the House of Representatives, meets those vital needs. I urge my colleagues to support the Violent Radicalization and Homegrown Terrorism Prevention Act of 2007.

By Ms. SNOWE (for herself and Mr. KERRY):

S. 1960. A bill amend the Small Business Investment Act of 1958 to improve surety bond guarantees, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise today o join Senator KERRY in introducing the Surety Bond Improvement Act, a bill which would reinvigorate the Small Business Administration's Surety Bond Guarantee program. I appreciate Senator KERRY's leadership on small business issues and his bipartisan work with me on this bill. Together, our primary purpose is to improve the Surety Bond Guarantee SBG program and ensure that more small businesses are able to secure the surety bonds they require to compete and grow.

Many surety bond companies refuse to bond small businesses because of the greater risks associated with underwriting new, unproven firms. Countless new businesses lack the stable credit histories and assets necessary to obtain a surety bond. Without bonding, small firms cannot secure the contracts they need to survive. For many small businesses, their inability to obtain surety bonds creates a barrier to entry which prevents them from competing in defense contracting, construction, services, and other markets.

In order to reduce the risk to the surety firms issuing the bonds, the SBA promises to cover between 70 and 90 percent of any possible claims on bonds underwritten through the SBG program. Many small contractors are only able to obtain surety bonds through the SBG program and establish a bonding history. Over time, these businesses will out-grow the SBG program and will be able to obtain bonds in the regular, competitive marketplace.

It is critical to understand that the number of participating sureties in the

SBG program directly affects the number of small companies that can receive surety bonds. In fiscal year 2000, the SBG program had 28 participating surety bonding companies and issued 7,034 bonds to small businesses. As of fiscal year 2006, there were only 10 participating surety companies that issued 4,709 surety bonds. This downturn represents a 64 percent decline in the number of participating sureties and a decrease of 33 percent in the total number of bonds issued to small businesses. The sureties argue that SBA's outdated fee structure and other actions, such as unwinding bond guarantees and recent fee increases, make it impossible for them to earn a profit and continue participating in the program.

Our bill strives to address the reason behind the program's diminishing participation and increasing inability to help small businesses. To achieve that goal, our measure would 1. prohibit the SBA from underwriting a surety bond guarantee after the agency has already underwritten and approved the bond, 2. direct the SBA to promulgate regulations to allow surety companies to go to non-binding mediation with the SBA in order to resolve disputes over denied claims or other issues, 3. eliminate existing price controls, 4. require the SBA to be transparent in its fee structure, 5. clarify that Congress does not require the Surety Bond Guarantee program to be entirely self-funding or self-sufficient, and 6. raise the principal guarantee amount to $3 million.

We are collaborating with the SBA to reverse the downward trend regarding participating sureties and boost the number of small businesses receiving surety bonding. To accomplish this goal, the SBG program is working to reduce approval times by bolstering the capacity of companies to submit underwriting applications and claim requests online. The program also plans to restructure its field offices and conduct outreach to new sureties and small businesses needing surety bonding. These reforms, along with the necessary legislative changes Senator KERRY and I have proposed today, will help the program attract new sureties and increase the overall number of small companies able to secure sureties underwriting through the program.

I encourage my colleagues to strongly support the Surety Bond Improvement Act which we wrote after consulting with small business owners and surety bonding companies on how best to revitalize this pivotal program. Without these remedies, the number of sureties in the program will continue to fall as will the capability of small businesses to secure surety bonds. For new companies, obtaining a surety bond will become a onerous barrier to entry and competition that they will be unable to overcome. I urge my colleges to work with Senator KERRY and me to assist small businesses by passing this crucial legislation.

By Mr. ROCKEFELLER (for himself, Mr. CRAPO, Ms. STABENOW, and Mr. CARPER):

S. 1963. A bill to amend the Internal Revenue Code of 1986 to allow bonds guaranteed by the Federal home loan banks to be treated as tax exempt bonds; to the Committee on Finance.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 1963

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BONDS GUARANTEED BY FEDERAL HOME LOAN BANKS.

(a) IN GENERAL.—Clause (i) of section 149(b)(3)(A) of the Internal Revenue Code of 1986 (relating to exceptions for certain insurance programs) is amended—

(1) by striking ''or'' after ''Corporation,'', and

(2) by inserting at the end the following: ''or any Federal home loan bank,''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

By Mrs. FEINSTEIN:

S. 1964. A bill to amend title XVIII of the Social Security Act to establish new separate fee schedule areas for physicians' services in States with multiple fee schedule areas to improve Medicare physician geographic payment accuracy, and for other purposes; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise to introduce legislation to correct a longstanding flaw in the Medicare Geographic Practice Cost Index, GPCI, system that negatively impacts physicians in California and several other states.

This legislation will allow counties that are underpaid by at least 5 percent to be reclassified into a payment locality that reflects their own geographic costs.

It holds harmless the counties, predominately rural ones, whose locality average would otherwise drop as other counties are reclassified.

Finally, this legislation is fully offset by requiring that independent diagnostic laboratories comply with state and federal regulations. This will allow the Centers for Medicare and Medicaid services, CMS, to take action against unscrupulous operators, predominately in California, that seek Medicare reimbursements for inaccurate and unnecessary diagnostic testing.

This legislation would benefit physicians who are currently underpaid in 10 States: California, Florida, Georgia, Illinois, Maryland, Massachusetts, Michigan, Missouri, Texas, and Washington.

Congressman SAM FARR has introduced companion legislation, H.R. 2484, in the House of Representatives, which now has 12 cosponsors.

The Medicare Geographic Practice Cost Index measures the cost of providing a Medicare covered service in a geographic area. Medicare payments are supposed to reflect the varying costs of rent, malpractice insurance, and other expenses necessary to operate a medical process. Counties are assigned to ''payment localities'' that are supposed to accurately capture these costs.

Here is the problem: some of these payment localities have not changed since 1997. Others have been in place since 1966. Many areas that were rural even 10 years have experienced significant population growth, as metropolitan areas and suburbs have spread. Many counties now find themselves in payment localities that do not accurately reflect their true practice costs.

These payment discrepancies have a real and serious impact on physicians and the Medicare beneficiaries they are unable to serve. My home State of California has been hit particularly hard.

San Diego County physicians are underpaid by 5.5 percent. A number of physicians have left the county and 60 percent of remaining San Diego physicians report that they cannot recruit new doctors to their practices.

Santa Cruz County receives a 10.2 percent underpayment, and as a result, no physicians are accepting new Medicare patients. Instead, they are moving to neighboring Santa Clara, which has similar practice cost expense, but is reimbursed at a rate that is at least 22 percent higher. This means that seniors often need to travel at least 20 miles to see a physician.

Sacramento County, a major metropolitan area, is underpaid by 4.6 percent. The county's population has grown by 9.6 percent, while the number of physicians has declined by 11 percent.

Sonoma County physicians are paid at least 8 percent less than their geographic practice costs. They have experienced at 10 percent decline in specialists and a 9 percent decline in primary care physicians.

Seniors' Medicare cards are of no value if physicians in their community cannot afford to provide them with health care.

The underpayment problem grows more severe every year, and the longer we wait to address it, the more drastic the solution will need to be. This legislation provides a common sense solution, increasing payment for those facing the most drastic underpayments, while protecting other counties from cuts in the process.

This is an issue of equity. It costs more to provide health care in expensive areas, and physicians serving our seniors must be fairly compensated.

I urge my colleagues to support this legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1964

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT OF NEW SEPARATE MEDICARE PHYSICIAN FEE SCHEDULE AREAS IN STATES WITH MULTIPLE FEE SCHEDULE AREAS TO IMPROVE MEDICARE PHYSICIAN GEOGRAPHIC PAYMENT ACCURACY.

(a) IN GENERAL.—Section 1848(e) of the Social Security Act (42 U.S.C. 1395w–4(e)) is amended by adding at the end the following new paragraph:

''(6) ESTABLISHMENT OF SEPARATE FEE SCHEDULE AREAS IN STATES WITH MULTIPLE FEE SCHEDULE AREAS TO IMPROVE PHYSICIAN GEOGRAPHIC PAYMENT ACCURACY.—For purposes of computing and applying the geographic adjustment factor under subsection (b)(1)(C) and this subsection in the case of a State that includes more than one fee schedule area—

''(A) the Secretary shall establish as a separate fee schedule area each county or equivalent fee schedule area the geographic adjustment factor for which would (if such separate areas are established and before taking into account the adjustment under this subparagraph) be 5 percent or more above the geographic adjustment factor for such revised locality; and

''(B) for such a locality from which a separate fee schedule area is established under subparagraph (A), the geographic adjustment factor indices shall in no case be less than the geographic adjustment factor otherwise computed if this paragraph did not apply.

The Secretary shall first apply the previous sentence to services furnished during 2008 and shall again apply it each third year thereafter.''.

(b) OFFSETTING FUNDING THROUGH REQUIREMENT FOR ANNUAL CERTIFICATION OF COMPLIANCE WITH STATE LICENSURE REQUIREMENTS FOR INDEPENDENT DIAGNOSTIC TESTING FACILITIES (IDTF).—

(1) IN GENERAL.—Section 1862(a) of the Social Security Act (42 U.S.C. 1395y(a)) is amended—

(A) by striking ''or'' at the end of paragraph (21);

(B) by striking the period at the end of paragraph (22) and inserting ''; or''; and

(C) by inserting after paragraph (22) the following new paragraph:

''(23) where such expenses are for a diagnostic laboratory test under section 1861(s)(3) performed in an independent diagnostic testing facility in a State or locality described in section 1861(s)(16) unless within the previous 12 months the State or locality (whichever is or are applicable) has certified that the facility is in compliance with all applicable State (or local) licensure requirements.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to tests performed on or after January 1, 2008.

By Mr. LUGAR:

S. 1966. A bill to reauthorize HIV/AIDS assistance; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I rise to introduce legislation to reauthorize the U.S. Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003, known as the Leadership Act, the largest international health initiative in history dedicated to a single disease.

Five years ago, there was little hope in Africa and the developing world of an effective response to HIV/AIDS. Tragically, many of the nations hardest hit by this disease are among those with the fewest resources to draw on for a response. There appeared to be little basis for hope.

Today, the pandemic continues. Yet there has been a change, and the American people have led that change.

The original Leadership Act authorized $15 billion in appropriations over 5 years. And in a significant departure from earlier approaches to development, it linked that funding to accountability for goals: support for treatment of 2 million people, prevention of 7 million new infections, care for 10 million people, including orphans and vulnerable children.

As many Senators will recall, when this legislation was first enacted in 2003, it was done with a certain amount of haste and after a request from the President for quick action. The G–8 summit was fast approaching, but even more importantly, rapid Senate action meant that the program could be established quickly, so that money could start to flow quickly to the fight. Given this, the Senate acted swiftly, passing the bill almost without amendment.

Now we are approaching the expiration of that 5-year authorization at the end of fiscal year 2008. Whatever our misgivings about the Leadership Act as we enacted it in 2003, at this point we need to judge it by the results it has enabled us to deliver. Those results are simply remarkable.

At the time the Leadership Act was announced, only 50,000 people in all of sub-Saharan Africa were receiving antiretroviral treatment. Yet through March of this year, the act has supported treatment for over 1.1 million men, women and children, over a million of them are in Africa, in those 15 countries where AIDS was on the verge of wiping out whole generations. In addition to these focus countries, we are working with one hundred other countries as well touching millions of other lives. Five years ago, HIV was a death sentence. Now there is hope.

During the first 3½ years of the act, U.S. bilateral programs have supported services for pregnant women to avoid transmission of HIV to their babies during more than 6 million pregnancies. In over 533,000 of those pregnancies, the women were found to be HIV-positive and received antiretroviral prophylaxis, preventing an estimated 101,000 infant infections through March 2007.

Before the advent of the Leadership Act, there was little concerted effort to meet the needs of those orphaned by AIDS, or of other children made vulnerable by it. We have now supported care for more than 2 million orphans and vulnerable children, as well as 2.5 million people living with HIV/AIDS, through September 2006.

Effective prevention, treatment and care all depend to a large extent on people knowing their HIV status, so they can take the necessary steps to stay healthy. The U.S. has supported 18.7 million HIV counseling and testing sessions for men, women and children.

Across the act's programs, the majority of services have been provided to women and girls, and a growing number of services are reaching children.

Our financial investment in this fight has been critical to our success, and thanks in large part to the flexibility of the Leadership Act, we have been able to obligate over 94 percent of its available $12.3 billion appropriated through this fiscal year.

In addition to support for the U.S. bilateral programs, the Leadership Act has also authorized support for the Global Fund to Fight AIDS, Tuberculosis, and Malaria. The Global Fund provides an important avenue for the rest of the world to substantially increase its commitment, as we have done. The U.S. is the largest supporter of the Global Fund, having provided some $2 billion so far. It is important for the American people to understand and for the rest of the world to remember, that the American people are responsible for approximately ⅓ of all the funding received by the fund.

As we survey the results achieved by this legislation, it is apparent that our efforts have been exceptionally successful. But to build on that success, we must reauthorize the legislation for another 5 years. As we consider how to accomplish that reauthorization task, it is important to note that the vast majority of the authorities needed for the next phase of our effort are already contained in the current Leadership Act.

The necessity for new authorities is in the eye of the beholder. Many Senators may wish to enhance issues such as TB/HIV, gender, nutrition, human capacity, infrastructure and health systems, and education. But the current law already articulates and authorizes activities in these very same areas, as evidenced by the many activities in these areas that the act has undertaken under existing authorities.

In this case, I believe we should follow the old adage, ''If it ain't broke, don't fix it.'' We have a good, if not perfect, law that is succeeding. In lieu of drafting an entirely new bill, today I introduce a reauthorization which preserves the bulk of the authorities that have enabled the program succeed and makes only minor modifications.

The U.S. Global AIDS Coordinator has interpreted the existing authorities well and has listened to the Congress and many stakeholders. As the Institute of Medicine recently said, the Global Leadership Act is a ''learning organization.'' The Coordinator is the first to admit, as he has before Congressional committees, that we can do better in every area of implementation. But new authorities are not needed; these are issues of implementation. In short, rather than absorbing the time of Congress, the coordinator, as well as stakeholders in drafting an entirely new bill, we should empower them to continue the work they are doing to improve upon program implementation utilizing the experience of these past 3½ years.

Let me highlight the basic changes I am suggesting to the existing legislation. First, it would increase to $30 billion the authorization for the next five fiscal years 2009–2013, a doubling of the initial commitment. I recognize that Senators may wish to revisit that funding level, and I trust that there will be opportunities for them to do so, in committee and on the floor.

Second, as the Institute of Medicine and others have argued, I believe we need to keep the bill as free of funding directives as possible in order to ensure maximum flexibility for implementation. I am proposing that only two funding directives be included, one modified from its current form, the other maintained as is.

The first modification would seek to address the abstinence directive in current law. The current Leadership Act requires that 33 percent of all prevention funding be spent on abstinence-until-marriage programs. The problem with this directive is that some countries need to focus their efforts not on abstinence per se but on, for example, mother-to-child transmission, an activity which is considered to be nonsexual transmission of HIV/AIDS. The original directive thus forced theses countries to either spend money in areas where they did not necessarily need to spend it or to divert funds from areas where they truly needed to.

The administration had interpreted and implemented this provision so as to include both abstinence and faithfulness programs, the 'AB' of 'ABC,' which stands for Abstinence, Be faithful, and the correct and consistent use of condoms. The directive has been helpful in ensuring an evidence-based, comprehensive approach to prevention. The ABC paradigm for prevention was developed in Africa by Africans, in order to address the wide range of risks faced by people within their nations, particularly in the context of generalized epidemics where HIV is widespread throughout the population. Recent evidence from a growing number of African countries shows a correlation between the adoption of all three of the ABC behaviors, and a clear association with declining HIV prevalence.

Before the creation of the U.S. Global Aids Coordinator, the U.S. Government had relatively little experience implementing behavior change programs for global HIV/AIDS that included the whole array of ABC behavior change. This was the rationale for the directive, and I believe it has served a useful purpose. However, I agree with many others that we can improve upon it as we look to the future.

The language I propose would provide that 50 percent of funding for prevention of sexual transmission of HIV, a sub-set all prevention funding, be dedicated to abstinence and faithfulness. This will enable greater flexibility to countries whose situation mirrors the one just described.

At the same time, the language would ensure the continuation of funding for abstinence and faithfulness programs as part of comprehensive, evidence-based ABC activities. I think this compromise approach is the right one that can win support from across the political spectrum and provide increased flexibility while ensuring continued support for comprehensive, evidence-based prevention.

There are a number of other directives in the current law that need no longer be maintained and the new bill does not contain them. The one other directive that I believe must be maintained is that 10 percent of funding be devoted to programs for orphans and vulnerable children, or ''OVCs''. As I have noted, there were few programs focused on the needs of these children before the Leadership Act of 2005 and we remain in the early stages of the essential effort to serve them. This is one of the aspects of our effort that is most strongly supported by the American people, the maintenance of this directive will help to ensure that this effort remains focused on those who need our support the most. The directive will also help ensure the success of the Assistance for Orphans and Other Vulnerable Children in Developing Countries Act of 2005, a bill I drafted, one cosponsored by eleven of my Senate colleagues, and which the Congress passed in October 2005.

Finally, let me describe some new language proposed for the inclusion regarding the Global Fund, an organization that enjoys wide support here in Congress. The Global Fund is a critically important partner of the U.S. in our fight against HIV/AIDS. Our contributions are not only financial, we are also active on its board, and our U.S. personnel overseas provide the technical assistance needed for the Global Fund's grants to work.

However, the fund is subject to pressures from many donors and in many directions. It has become clear that it would benefit from greater transparency and accountability. In keeping with my concerns with transparency and accountability of international organizations that receive U.S. funding, including the World Bank and International Monetary Fund, my proposed language would establish similar benchmarks for U.S. funding for the Global Fund. I don't believe any of these proposed benchmarks will be controversial, but if Senators have concerns about any of them, I look forward to working with them to address them.

It is also worth noting that the bill would maintain the limitation in the existing Leadership Act that U.S. contributions to the fund may never exceed 33 percent of its funding from all sources. This limitation has proven to be a valuable tool for increasing contributions to the fund from other funding sources, such as other governments, and I believe there is wide agreement that this provision should be maintained as we move forward.

In closing, let me turn to the issue of legislative timing. It is critical to the contents of my approach to reauthorization. It is critically important to reauthorize this bill during 2007, as opposed to awaiting its expiration September 2008.

The US Global Aids Coordinator depends on his implementing partners, including host governments and non-governmental organizations, including faith- and community-based organizations, to scale up programs rapidly to reach as many people as possible. They have been a critical part of programs success to date.

But HIV and AIDS are different from many diseases: once HIV-positive persons are provided treatment or orphans enrolled in care programs, their treatment and care become ongoing commitments for program partners. Thus, for partners to continue to scale up programs in 2008, they need assurances of a continued U.S. commitment beyond 2008. These partners recognize that at this point, they have only a Presidential proposal, not actual reauthorization.

In fact, some of my staff on the Foreign Relations Committee have recently returned from countries receiving our assistance and verified this concern. Various ministries of health are refusing to expand the number of patients currently receiving antiretroviral medication for fear that they will not receive enough money in the years to come to purchase next year's doses for these new patients.

Without reauthorization in 2007, partners have indicated that they will be unable to scale up programs in 2008, and as my staff have confirmed, there is already evidence that some have begun to slow enrollment in programs. Without continued rapid scale-up this year and next, we may not achieve the ambitious goals for the first phase of PEFPAR, treatment for 2 million, prevention of 7 million new infections, care for 10 million, including orphans and vulnerable children. However, time will be needed to develop sustainable programs with commitments from our partner countries as we move into the next 5-year commitment from the American people.

Thus it is essential that we act before we go out of session this year. I recognize that we face a crowded calendar. But we can do it if we will take the most direct path to passage, a clean bill.

This body can be proud of its contribution to the remarkable turnaround on the issue of global HIV/AIDS, from concern to action. We have represented well the compassion and generosity of the American people and the demand for accountability by the American taxpayer. I call on my colleagues to join me in sponsoring this bill to reauthorize the Leadership Act in 2007, and to extend the authorities that have enabled the American people to make such a difference in the lives of others.

I have no pride of authorship. But we need to start the reauthorization process now. I welcome the involvement

and inputs of my colleagues. We should let the mark-up and amendment process work. Secondly, I would welcome the assistance of other Committees and their memberships. Thirdly, I look for strong support and guidance from the NGO and faith-based communities. These organizations will be key to the reauthorization effort. We will require the constructive engagement of the administration in this reauthorization effort.

If we pull together and display the spirit of compromise necessary for good legislation, we can complete the job in 2007.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1966

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''HIV/AIDS Assistance Reauthorization Act of 2007''.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 401(a) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7671(a)) (in this Act referred to as the ''Act'') is amended by inserting after ''2008'' the following: '', $30,000,000,000 for fiscal years 2009 through 2013, and such sums as may be necessary for each fiscal year thereafter''.

SEC. 3. MODIFICATIONS TO ALLOCATION OF FUNDS.

(a) PROMOTION OF ABSTINENCE, FIDELITY, AND OTHER PREVENTATIVE MEASURES.—Section 403(a) of the Act (22 U.S.C. 7673(a)) is amended to read as follows:

''(a) PROMOTION OF ABSTINENCE, FIDELITY, AND OTHER PREVENTATIVE MEASURES.—Not less than 50 percent of the amounts appropriated pursuant to the authorization of appropriations under section 401 and available for programs and activities that include a priority emphasis on public health measures to prevent the sexual transmission of HIV shall be dedicated to abstinence and fidelity as components of a comprehensive approach including abstinence, fidelity, and the correct and consistent use of condoms, consistent with other provisions of law and the epidemiology of HIV infection in a given country. Programs and activities that implement or purchase new prevention technologies or modalities such as medical male circumcision, pre-exposure prophylaxis, or microbicides shall not be included in determining compliance with this subsection.''.

(b) EXTENSION OF ORPHANS AND VULNERABLE CHILDREN FUNDING REQUIREMENT.—Section 403(b) of the Act (22 U.S.C. 7673(b)) is amended by striking ''2008'' and inserting ''2013''.

SEC. 4. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) On May 30, 2007, President George W. Bush announced his intent to double the commitment of the United States to fight global HIV/AIDS with a new $30,000,000,000, 5-year proposal to reauthorize the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003.

(2) With the enactment of the President's fiscal year 2008 budget, the United States Government will have committed $18,000,000,000 to the President's Emergency Plan for AIDS Relief (PEPFAR), which exceeds the original 5-year, $15,000,000,000 commitment.

(3) After 3 years of PEPFAR implementation, the American people have supported treatment of 1,100,000 people in the 15 focus countries, including more than 1,000,000 people in Africa.

(4) PEPFAR is on track to meet its 5-year goals to support treatment for 2,000,000 people, prevention of 7,000,000 new infections, and care for 10,000,000 people, including orphans and vulnerable children.

(5) The success of PEPFAR is rooted in support for country-owned strategies and programs with commitment of resources and dedication to results, achieved through the power of partnerships with governments, with nongovernmental, faith-based, and community-based organizations, and with the private sector.

(6) United States efforts to address global HIV/AIDS will be multiplied by engaging in partnerships with countries dedicating to fighting their HIV epidemics and with multilateral partners, such as the Global Fund, which can help leverage international resources and build upon the efforts of the United States to combat global HIV/AIDS. In his announcement of his intent to double the commitment of the United States to fight global HIV/AIDS, President Bush reiterated his call for developed and developing countries, in particular middle-income countries where projections suggest many new infections will occur, to increase their contributions to fighting AIDS. HIV/AIDS is a global crisis that requires a global response. The United States currently provides as many resources for global HIV/AIDS as all other developed country governments combined. But only together can we turn the tide against the global epidemic.

(b) PURPOSE.—It is the purpose of this Act to expand PEPFAR, including the expansion of life-saving treatment, comprehensive prevention programs, and care for those in need, including orphans and vulnerable children, in the next 5-year period as a signal of the commitment of the United States to support, strengthen, and expand United States and global efforts to address these health crises in partnership with others.

SEC. 5. UNITED STATES FINANCIAL PARTICIPATION IN THE GLOBAL FUND.

(a) AUTHORITY TO INCREASE PROPORTIONAL SUPPORT.—Section 202(d) of the Act (22 U.S.C. 7622(d)) is amended by adding at the end the following new paragraph:

''(5) AUTHORITY TO INCREASE PROPORTIONAL SUPPORT.—

''(A) FINDINGS.—Congress makes the following findings:

''(i) The Global Fund to Fight AIDS, Tuberculosis and Malaria is an innovative financing mechanism to combat the three diseases, and it has made progress in many areas.

''(ii) The United States Government is the largest supporter of the Fund, both in terms of resources and technical support.

''(iii) The United States made the founding contribution to the Funds, remains committed to the original vision for the Fund, and is fully committed to its success.

''(B) AUTHORITY.—The President may increase proportional support for the Fund, within the amount authorized to be appropriated by this Act, if benchmarks for performance, accountability, and transparency are satisfactorily met, and if the Fund remains committed to its founding principles. The United States Global AIDS Coordinator should consider the benchmarks set forth in subparagraphs (C) and (D) in assessing whether to make the annual contribution of the United States Government to the Fund.

''(C) BENCHMARKS RELATED TO TRANSPARENCY AND ACCOUNTABILITY.—Increased proportional support for the Fund should be based upon achievement of the following benchmarks related to transparency and accountability:

''(i) As recommended by the Government Accountability Office, the Fund Secretariat has established standardized expectations for the performance of Local Fund Agents (LFAs), is undertaking a systematic assessment of the performance of LFAs, and is making available for public review, according to the Fund Board's policies and practices on disclosure of information, a regular collection and analysis of performance data of Fund grants, which shall cover both Principal Recipients and sub-recipients.

''(ii) A well-staffed, independent Office of the Inspector General reports directly to the Board and is responsible for regular, publicly published audits of both financial and programmatic and reporting aspects of the Fund, its grantees, and LFAs.

''(iii) The Fund Secretariat has established and is reporting publicly on standard indicators for all program areas.

''(iv) The Fund Secretariat has established a database that tracks all sub-recipients and the amounts of funds disbursed to each, as well as the distribution of resources, by grant and Principal Recipient, for prevention, care, treatment, the purchases of drugs and commodities, and other purposes.

''(v) The Fund Board has established a penalty to offset tariffs imposed by national governments on all goods and services provided by the Fund.

''(vi) The Fund Board has successfully terminated its Administrative Services Agreement with the World Health Organization and completed the Fund Secretariat's transition to a fully independent status under the Headquarters Agreement the Fund has established with the Government of Switzerland.

''(D) BENCHMARKS RELATED TO PRINCIPLES OF FUND.—Increased proportional support for the Fund should be based upon achievement of the following benchmarks related to the founding principles of the Fund:

''(i) The Fund must maintain its status as a financing institution.

''(ii) The Fund must remain focused on programs directly related to HIV/AIDS, malaria, and tuberculosis.

''(iii) The Fund Board must maintain its Comprehensive Funding Policy, which requires confirmed pledges to cover the full amount of new grants before the Board approves them.

''(iv) The Fund must maintain and make progress on sustaining its multi-sectoral approach, through Country Coordinating Mechanisms (CCMs) and in the implementation of grants, as reflected in percent and resources allocated to different sectors, including governments, civil society, and faith- and community-based organizations.''.

(b) EXTENSION OF AUTHORIZATION.—Section 202(d) of such Act is further amended by striking ''2008'' each place it appears and inserting ''2013''.

By Mr. HATCH (for himself, Mr. ROCKEFELLER, Mr. BAYH, Mr. NELSON of Florida, Mr. BROWNBACK, Mr. HARKIN, and Mr. CRAPO):

S. 1969. A bill to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of designating Estate Grange and other sites related to Alexander Hamilton's life on the island of St. Croix in the United States Virgin Islands as a unit of the National Park System, and for other

purposes; to the Committee on Energy and Natural Resources.

Mr. HATCH. Mr. President, today I rise to introduce the Alexander Hamilton Boyhood Home Act of 2007, a bill to study the suitability and feasibility of bringing resources related to Alexander Hamilton's boyhood on the island of St. Croix under the National Park System. I would like to thank Senators ROCKEFELLER, BAYH, BILL NELSON, BROWNBACK, HARKIN, and CRAPO for lending early support to this legislation as original cosponsors. I especially note the strong support of Senator ROCKEFELLER, who along with his family, has a special interest in this part of the U.S.

Too little is known about Hamilton's childhood on the islands. We know he was born as a British subject on the island of Nevis in 1755. By the age of 10 he and his brother James found themselves under Danish rule on the island of St. Croix. Alexander's father had abandoned them, so his mother Rachel Faucett was the primary care giver and bread winner. It is believed they initially spent their days on a sugar plantation at Estate Grange, which was owned by Rachel's sister, Ann, and her husband, James Lytton. The Lyttons generously supported Rachel and her two boys for a short time. When the plantation was sold, the Lyttons helped Rachel to set up a store with an apartment on the upper floor in the nearby town of Christiansted.

They had been there less than a year and Alexander, as an 11-year-old boy, had already taken a job as a clerk at the Beekman and Cruger trading post. This connection would serve him well after his mother died in 1769 and he was left to fend for himself. His early years with Beekman and Cruger not only supported him financially, but they introduced him to business, economics, and trade.

Hamilton learned a great deal from his surroundings on St. Croix, and his political ideologies as an adult were clearly influenced by his boyhood in the West Indies. His mother was known to have the largest library on the island, consisting of 34 classical books of various topics. Everyday life and culture must have left an impression on him, as well. He was constantly exposed to the brutality of slavery, which drove the plantation economy on St. Croix. His distaste for it as a boy would grow into political opposition to it in America. Historians also note that maturing in the West Indies made him unique among other American politicians of the day because he never had any loyalty to a specific State or region. He perceived the U.S. as one unified Nation with a strong central Government. To advocate that belief, Hamilton would later found the Federalist Party in America.

Through his work, Alexander made several connections with influential people in the town. As he grew older, they began to recognize his talent and intellect and they decided to send him to New York with the funds to obtain an education. He left St. Croix at age 17, never to return, and the rest is now a central aspect of our Nation's history.

Hamilton went on to be one of the great statesmen of our history, a Founding Father who was influential in all of the stages of our blossoming Nation. He fought with the colonies during the American Revolution and served as General Washington's personal secretary. After the Revolution he was elected to the Continental Congress. He authored the Federalist Papers to advocate ratification of the Constitution, which he would pen his own name to as a delegate from New York. Of course, he may be remembered most for his appointment as the first Secretary of the Treasury under President George Washington. His visage is perpetuated in history on the $10 bill as one of only two non-presidential faces appearing on U.S. currency.

Alexander Hamilton's immeasurable influence on the progress of our Nation deserves to be remembered and recognized. The remaining links to his boyhood on the island of St. Croix should be preserved and recognized for the benefit of the people. The Great House at Estate Grange is still there today along with a memorial marking the site where Alexander's mother was laid to rest. I urge my colleagues to support this legislation which would establish and fund a study to determine the feasability and suitability of a heritage area on St. Croix in honor of one of our Founding Fathers, Alexander Hamilton.

By Mr. DODD (for himself, Mrs. CLINTON, Mrs. DOLE, Mr. GRAHAM, Mr. KENNEDY, Mr. CHAMBLISS, Mr. REED, Ms. MIKULSKI, Mrs. MURRAY, Mr. SALAZAR, Mr. LIEBERMAN, Mr. MENENDEZ, Mr. BROWN, Mr. NELSON of Nebraska, Mr. CARDIN, and Mr. HARKIN):

S. 1975. A bill to expand family and medical leave in support of servicemembers with combat-related injuries; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, 14 years ago, the Family and Medical Leave Act, FMLA, declared the principle that workers should never be forced to choose between the jobs they need and the families they love. In the years since its passage, more than 50 million Americans have taken advantage of its provisions to care for a sick love one, or recover from illness themselves, or welcome a new baby into the family. If ordinary Americans deserve those rights, how much more do they apply to those who risk their lives in the service of our country? Soldiers who have been wounded in our service deserve everything America can give to speed their recoveries, but most of all, they deserve the care of their closest loved ones.

That is exactly what is offered in the Support for Injured Servicemembers Act, a bill I am proud to have authored along with Senator CLINTON. The FMLA was the very first bill that President Clinton signed into law, and I am grateful that his wife, Senator CLINTON, continues to support the principles that I have been fighting for over 20 years. Now, I am also pleased that Senators DOLE, GRAHAM, KENNEDY, CHAMBLISS, REED, MIKULSKI, MURRAY, SALAZAR, LIEBERMAN, MENENDEZ, BROWN, NELSON of Nebraska, and CARDIN are cosponsoring this new legislation today.

Senator Bob Dole and former Secretary of Health and Human Services Donna Shalala have been instrumental in this effort as well, through their thoughtfulness and work on the President's Commission on Care for America's Returning Wounded Warriors.

It is unsurprising that the commission found that family members play a critical role in the recovery of our wounded servicemembers. The commitment shown by the families and friends of our troops is truly inspiring: according to the commission's report, 33 percent of active duty servicemembers report that a family member or close friend relocated for extended periods of time to help in their recoveries. It also points out that 21 percent of active duty servicemembers say that their friends or family members gave up jobs to find the time. To quote from the commission's moving report:

> In virtually every case [of a wounded servicemember], a wife, husband, parent, brother, or sister has received the heart-stopping telephone call telling them that their loved one is sick or injured, halfway around the world.

These loved ones bear a burden almost as sharp as the wound itself. The very least we can give them is the assurance that their jobs will be there when they return.

It is for these reasons that the commission recommend that the FMLA be expanded to provide family members of combat-injured servicemembers up to 6 months of leave to care for their loved ones.

The Support for Injured Servicemembers Act does just that. FMLA currently allows 3 months of unpaid leave. Given the severity of their injuries, and our debt of gratitude, our servicemembers need more.

For the first time, this bill offers FMLA leave not just to parents, spouses, and children, but to next-of-kin, including siblings. Families, not the government, should decide for themselves who takes on the work of caring for their injured loved ones. This bill recognizes that fact, and it is a major accomplishment.

Our troops are laying their bodies on the line for us in Iraq and Afghanistan, every day. Our full debt to them is unpayable. But perhaps the best thing we can do for them is to get out of the way, to make it possible for the love of family to heal their wounds. With their jobs protected, more family members will be able to do just that. What this

bill does, then, is break down a barrier, between our troops and the care they need the most.

I urge my colleagues to support this bill.

By Mr. TESTER (for himself, Mr. LEAHY, and Mr. BAUCUS):

S. 1976. A bill to amend the Food Security Act of 1985 to include a provision on organic conversion in the environmental quality incentives program; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. TESTER. Mr. President, I rise today with Senators LEAHY and BAUCUS to introduce the Organic Conversion Assistance Act to help provide needed technical and conservation assistance to farmers and ranchers converting to organic agriculture. I wanted to thank Senator LEAHY for his leadership on organic agricultural issues and Senator BAUCUS for his long-time support for Montana's farmers and ranchers.

My wife and I have spent our careers farming organically on our farm near Big Sandy, MT. Nearly 20 years ago we were struggling to get ahead and trying to decide if we could really make it farming while so many of our neighbors were packing up and moving away. We knew at that time that if we didn't make some changes to our business we would end up like so many of our neighbors leaving rural Montana for jobs in town.

In 1988, we took what was then a risk and converted our farm to organic production. Our motivations were mostly economic but partly for health reasons. We wanted to farm on our own terms and to make more money. When I farmed conventionally I felt beholden to one big company after another from buying fertilizers, herbicides, pesticides, fuel, to selling my grain to a corporation and shipping it by rail at high prices and we rarely came out ahead. Every season after I would spray for weeds and bugs, I would feel sick for a week afterwards.

Organic agriculture let us take control of our farm and our livelihood. More and more farmers are converting to organics as consumer demand soars. Organics is now the fastest growing sector of the food industry expanding at a rate of over 20 percent a year. In Montana, we lead the Nation in organic wheat production and are a close second in the production of organic barley, peas and lentils. Consumer demand for organic products is growing so fast that we are now importing a significant portion of the organic food that is found in our grocery stores.

In the U.S. we grow the highest quality and safest food in the world. I believe that increased production of domestically produced organic foods will help meet consumer demand, help keep farmers on the land, and because organic agriculture needs fewer inputs it helps conserve our land, and clean up our air and water. But if the U.S. is going to keep pace with imported organic products we need to get more acreage under organic production here at home.

The legislation I am introducing today will provide conversion assistance to farmers making the transition from conventional to organic agriculture. Currently it takes 3 to 4 years to become certified organic, but during that period of time producers cannot receive the higher price that organics fetch in the market place. Furthermore, the shift towards a new way of farming and ranching creates technical challenges for many producers as they change the way they do things. Offering technical and educational assistance as well as cost-share funds for conservation initiatives under a certified organic plan will provide a needed helping hand to farmers. Making the conversion will help keep farmers on the land by putting a bit more money in their pockets and help our rural communities be viable. Many States have already adopted similar assistance programs and agricultural producers nationwide would benefit from having a consistent and available program in years to come.

I would appreciate the support of my colleagues as this legislation moves forward.

By Mr. OBAMA (for himself and Mr. HAGEL):

S. 1977. A bill to provide for sustained United States leadership in a cooperative global effort to prevent nuclear terrorism, reduce global nuclear arsenals, stop the spread of nuclear weapons and related material and technology, and support the responsible and peaceful use of nuclear technology; to the Committee on Foreign Relations.

Mr. OBAMA. Mr. President, the spread of nuclear weapons and related technology and the possibility that a nuclear weapon could fall into the hands of terrorists constitute the most urgent threat to our national security. As experts on this issue such as Henry Kissinger, George Shultz, Bill Perry, and Sam Nunn have all warned, our current policies to deal with the threat posed by nuclear weapons are simply not adequate.

We know al-Qaida has made it a goal to acquire a nuclear weapon. At the same time, significant quantities of the material necessary to make one remain vulnerable to theft in various parts of the world. And, to make matters worse, the world may be on the brink of a new and dangerous era with a growing number of nuclear-armed states, as illustrated by North Korea's nuclear test last year and Iran's refusal to halt its uranium enrichment program.

So today, along with Senator HAGEL, I am introducing the Nuclear Weapons Threat Reduction Act, which provides for sustained U.S. leadership in a global effort to prevent nuclear terrorism, reduce global nuclear arsenals, and stop the spread of nuclear weapons around the world.

Securing nuclear weapons and weapons-usable material at their source is the most direct and reliable way to prevent nuclear terrorism. Thanks to the leadership of Senators NUNN and LUGAR in creating the Cooperative Threat Reduction program at the Department of Defense, there is no question that we have made significant progress in securing nuclear stockpiles. But there are still significant quantities of weapons-usable nuclear material that remain vulnerable to theft. In the civilian sector alone, there are an estimated 60 tons of highly enriched uranium, enough to make over 1,000 nuclear bombs, spread out at facilities in over 40 countries around the world. Many of these facilities do not have adequate physical security, leaving the material vulnerable to theft.

The insecure storage of nuclear stockpiles has already led to an alarming number of attempted exchanges of small quantities of dangerous nuclear materials. The International Atomic Energy Agency, IAEA, confirmed 16 incidents between 1993 and 2005 that involved trafficking in relatively small amounts of highly enriched uranium and plutonium. That is 16 incidents too many, in my opinion, and 16 incidents that should not have been allowed to happen.

Experts believe that a sophisticated terrorist group could potentially construct a crude nuclear bomb if it obtained the necessary amount of plutonium or highly enriched uranium. The 9/11 Commission concluded that a trained nuclear engineer with an amount of highly enriched uranium or plutonium about the size of a grapefruit or an orange could make a nuclear device that would level Lower Manhattan. Simply put, our ability to secure nuclear stockpiles around the world is what stands between the safety of the American people and a terrorism incident of almost unimaginable horror.

It is imperative that we build and lead a truly global effort to secure all stockpiles of nuclear weapons and weapons-usable material to the highest standards to prevent them from falling into the wrong hands. It is also essential that we make preventing nuclear terrorism a top presidential priority—with the resources, diplomatic effort and funding to match the threat. We need to work with other countries to ensure effective and sustainable security of nuclear stockpiles and to ensure that the highest priority is placed on security of those weapons and materials that pose the greatest risk.

The Nuclear Weapons Threat Reduction Act requires the President to submit to Congress a comprehensive threat reduction plan for ensuring that all nuclear weapons and weapons-usable material at vulnerable sites are secure by 2012. The plan must clearly designate agency responsibility and accountability, specify program goals and metrics for measuring progress, and outline estimated schedules and budget requirements.

To meet this ambitious goal, the bill calls for accelerating U.S. programs to secure, consolidate, and reduce stocks of nuclear weapons and weapons-usable material, including highly enriched uranium at civilian nuclear facilities worldwide. Additional funding is authorized for the Department of Energy's Global Threat Reduction Initiative, an important program that secures and removes high-risk nuclear materials from vulnerable locations around the world.

The bill calls for the United States to work cooperatively with other countries and the International Atomic Energy Agency, IAEA, to develop and implement a comprehensive set of standards and best practices to provide effective physical protection and accounting for all stockpiles of nuclear weapons and weapons-usable material.

The bill also authorizes additional funding to improve our ability to trace the origin of nuclear material that might be transferred or used in a terrorist attack so that responsible parties can be held accountable.

Given the nature of the threat we face from nuclear terrorism, we can't succeed if we act alone. Indeed, the danger of nuclear proliferation and nuclear terrorism reminds us of how critical global cooperation will be to U.S. security in the 21st century. America must lead in rebuilding the alliances and partnerships necessary to meet common challenges and confront common threats. And this legislation seeks to provide the tools to do just that.

While nuclear terrorism remains a dire threat to our security, it is only one part of the overall threat posed by nuclear weapons. The Nuclear Weapons Threat Reduction Act also addresses the need to reduce global arsenals and prevent the emergence of additional nuclear-armed nations. In all too many respects, the essential bargain that stands at the core of the nuclear nonproliferation regime is unraveling. Countries like North Korea and Iran are demonstrating that nuclear technology acquired for ostensibly civilian purposes can provide the basis for producing nuclear weapons. At the same time, established nuclear powers retain large arsenals and are reemphasizing the importance of nuclear weapons to their security.

At the end of the Cold War, many had hoped and believed that the world was moving in the right direction to reduce the threat of nuclear weapons. America and Russia agreed to significant reductions in their massive nuclear arsenals. Belarus, Kazakhstan, and Ukraine were persuaded to give up their post-Soviet nuclear arsenals. The U.S.-Russian Cooperative Threat Reduction or Nunn-Lugar program was established. In 1994, North Korea agreed to halt its plutonium production program. And in 1995, over 180 nations agreed to take further steps to strengthen the Nuclear Nonproliferation Treaty, NPT, and agreed to extend the treaty indefinitely.

In the last 6 years, however, these positive trends have stalled—and in some cases regressed. While promising to leave the Cold War behind, President Bush abandoned the very policies his successors had pursued to bring the Cold War weapons competition to a peaceful and successful end. He unilaterally withdrew the U.S. from the Anti-Ballistic Missile Treaty. He refused to support ratification of the 1996 Comprehensive Nuclear Test Ban Treaty. He opted for an arms reduction agreement with Russia in 2002 that does not include new verification provisions, does not require the dismantling of warheads or missiles, and allows each side to stockpile thousands of nondeployed weapons. And after ignoring the findings of U.N. weapons inspectors on the ground and launching a preemptive war against Iraq, President Bush lost much of the international goodwill that is required to mobilize global support to strengthen the beleaguered nuclear nonproliferation regime.

The Nuclear Weapons Threat Reduction Act calls for a balanced and comprehensive set of initiatives that would strengthen the global nonproliferation regime. The bill authorizes $50 million to support the creation of a low enriched uranium reserve administered by the IAEA that would help guarantee the availability of fuel for commercial nuclear reactors. This international fuel bank can play an important role in dissuading countries from building their own uranium enrichment facilities. Additional funding is also authorized for the IAEA's Department of Safeguards to improve its ability to conduct effective inspections.

To win the struggle against nuclear proliferation, we must also have the courage to lead by example. The bill calls for talks with Russia to reduce the number of nonstrategic nuclear weapons and further reduce the number of strategic nuclear weapons in Russian and U.S stockpiles in a transparent and verifiable fashion, and in a manner consistent with the security of the United States. It also calls for considering changes in the alert status of U.S. and Russian forces to reduce the risk of an accidental, unauthorized, or mistaken launch of nuclear weapons.

Other initiatives called for in the bill include reaffirming support for and strengthening the Nuclear Non-Proliferation Treaty, taking steps to reconsider and ratify a global ban on nuclear testing, pursuing a long-overdue global agreement to verifiably halt the production of fissile material for weapons, and fully implementing the Lugar-Obama initiative that strengthens the ability of friendly foreign countries to stop the transfer of weapons of mass destruction and related material.

With a bold, comprehensive approach and strong U.S. leadership, we can—and must—make significant strides in reducing the threat posed by nuclear weapons. America must lead the way again by marshalling a global effort to meet the challenge that rises above all others in urgency securing, destroying, and stopping the spread of weapons of mass destruction. This bill, I believe, makes a significant contribution toward that goal, and I urge my colleagues to support this legislation.

By Mr. REED:

S. 1978. A bill to amend the Elementary and Secondary Education Act of 1965 to award grants to implement a co-teaching model for educating students with disabilities; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I introduce the Co-Teaching Educator Professional Development Act of 2007 to help improve the education of children with disabilities.

A result of the enactment of the No Child Left Behind Act, NCLB, and the 2004 reauthorization of the Individuals with Disabilities Education Act, IDEA, is that States, districts, and schools in Rhode Island and nationwide have increasingly begun utilizing a ''co-teaching'' model to make sure that students with disabilities have the highest quality teachers. Co-teaching is a term that describes a general education teacher and a special education teacher jointly teaching students with and without disabilities in the same classroom. Co-teaching ensures that students with disabilities receive not only the special instruction, supports, and services they are entitled to under IDEA, but also are taught the same rigorous academic content as any other students.

However, achieving this is no easy task. Successful co-teaching requires that educators truly work together so their knowledge and skills truly complement one another. At the end of the day that requires that specialized professional development is provided to these teachers.

As such, the Co-Teaching Educator Professional Development Act of 2007 would amend Title II of the No Child Left Behind Act to award competitive grants to school districts to provide high-quality professional development opportunities for general education teachers, special education teachers, principals, and administrators to ensure that these educators have the necessary pedagogical, collaborative, planning, and interpersonal skills to successfully implement a co-teaching model and increase the achievement of students with disabilities. Such professional development training would help teachers, principals, and administrators address diverse learning and student needs; clearly define classroom, teaching, and decision-making responsibilities; develop effective communication, problem-solving, classroom management, and conflict resolution skills; and jointly develop and plan a student's IEP and overall classroom curriculum.

In short, this bill provides teachers, principals, and administrators with the skills and tools to help ensure that children with disabilities receive the

educational assistance and support they need and deserve. I urge my colleagues to cosponsor this legislation and work for its inclusion in the reauthorization of the Elementary and Secondary Education Act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1978

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Co-Teaching Educator Professional Development Act of 2007''.

SEC. 2. CO-TEACHING EDUCATOR PROFESSIONAL DEVELOPMENT.

Section 2151 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6651 et seq.) is amended by adding at the end the following:

''(g) CO-TEACHING EDUCATOR PROFESSIONAL DEVELOPMENT.—

''(1) PURPOSES.—The purposes of this subsection are to ensure that—

''(A) students with disabilities are educated with their peers in the least restrictive environment;

''(B) students with disabilities have access, with appropriate supports and services, to the same academic content as other students;

''(C) the requirements of section 1119(a) and section 612(a)(14)(C) of the Individuals with Disabilities Education Act are met; and

''(D) general education teachers, special education teachers, principals, and administrators who implement a co-teaching model for instructing students with disabilities are provided with the necessary and effective professional development and support to enhance their pedagogical, collaborative, planning, and interpersonal skills and increase the achievement of such students.

''(2) DEFINITIONS.—In this subsection:

''(A) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(i) one or more local educational agencies; or

''(ii) one or more local educational agencies in collaboration with an institution of higher education, a teacher organization, or a State educational agency.

''(B) CO-TEACHING.—The term 'co-teaching' means an instructional delivery option, offered either full-time or part-time, based on a collaborative professional relationship between a teacher with expertise in delivering instruction to students with disabilities and a teacher with expertise in a specific core content area or a team of such teachers, such as a grade level team or a middle school team, for the purpose of jointly delivering substantive instruction to a diverse, blended group of students in a single general education classroom and ensuring that students with disabilities receive the special instruction, supports, and services to which they are entitled while ensuring that they can access a rigorous general curriculum in the least restrictive environment.

''(3) PROGRAM AUTHORIZED.—

''(A) IN GENERAL.—The Secretary shall award, on a competitive basis, grants to eligible entities to enable such entities to provide professional development opportunities and high-quality support for general education teachers and special education teachers, principals, and administrators that implement a co-teaching model. Such professional development opportunities and support shall assist teachers, principals, and administrators in—

''(i) clearly defining classroom, teaching, and decision-making roles and responsibilities, shared instructional and educational goals and expectations, and shared accountability for student outcomes;

''(ii) utilizing research-based co-teaching strategies and approaches for differentiated instruction, including accommodations, modifications, and positive behavioral supports to facilitate learning and address diverse learning and student needs;

''(iii) improving the participation and engagement of all students in classes that use co-teaching while meeting the individualized needs of students with disabilities;

''(iv) improving collaboration skills for fostering a constructive professional co-teaching partnership, including development of effective communication, problem-solving, and conflict resolution skills;

''(v) enhancing time, resource, and classroom management skills;

''(vi) effectively scheduling and lesson planning for co-teaching instruction, including common planning time for such purpose;

''(vii) effectively involving parents and families of students with disabilities in co-teaching program development, implementation, and evaluation;

''(viii) jointly developing and planning a student's IEP and overall classroom curriculum for co-teaching instruction;

''(ix) implementing strategies in a class that uses co-teaching for improving student learning gains on required State assessments, including alternate assessments;

''(x) providing constructive feedback and coaching on a regular basis to improve instructional and classroom practices; and

''(xi) developing clear and tailored instructional strategies, plans, procedures, practices, and assessment tools for remediation or developmental specialized instruction designed to meet, in a class that uses co-teaching, the goals and objectives in a student's IEP.

''(4) APPLICATION.—An eligible entity that desires a grant under this subsection shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.

''(5) EVALUATION.—Each program receiving a grant under this subsection shall report on the effectiveness of the professional development being provided based on not less than the following criteria:

''(A) Student academic learning gains.

''(B) Teacher retention.

''(C) Meeting IEP goals and objectives.

''(D) The increase in the amount of time spent by students with disabilities on general education curriculum in a general education setting.

''(E) Student behavior.

''(F) Evaluation of school professionals.

''(G) Parent, family, and community involvement.

''(H) The support and commitment of principals and administrators.

''(I) Teacher satisfaction.''.

By Mr. REED (for himself, Mrs. MURRAY, Mr. OBAMA, and Mr. BROWN):

S. 1979. A bill to amend the Elementary and Secondary Education Act of 1965 to provide for school improvement, comprehensive, high-quality multi-year induction and mentoring for new teachers, and professional development for experienced teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I introduce the School Improvement through Teacher Quality Act of 2007, to foster the development of a highly skilled and effective teacher workforce capable of improving student achievement in this country.

We are slated to reauthorize the Elementary and Secondary Education Act this Congress for the first time since 2001. The key to this reauthorization will be ensuring that states, districts, and schools are given the resources, tools, and support to improve student learning, including targeted, high-quality efforts to improve a school when it is identified as in need of improvement under the law.

Improving teacher quality is the single most effective step we can take to increase student achievement and turnaround failing schools. Studies have found that 40 to 90 percent of the difference in student test scores can be attributed to teacher quality. Unfortunately, new teachers, not just those in hard-to-staff schools, face such challenging working conditions that nearly half leave the profession within their first 5 years, one-third leave within their first 3 years, and 14 percent leave by the end of their first year.

However, research has shown that offering new teachers comprehensive, multi-year mentoring and guidance cuts attrition rates in half, and helps these teachers become high-quality professionals who improve student achievement. At the same time, we know that experienced teachers also need effective, sustained professional development to maintain and improve their teaching skills.

For these reasons, I am introducing the School Improvement through Teacher Quality Act of 2007, cosponsored by Senators MURRAY, OBAMA, and BROWN. This legislation amends Title II of the No Child Left Behind Act to create a new $500 million formula-based program for school districts to provide targeted assistance so teachers in low-performing, high-poverty schools get comprehensive, high-quality multi-year guidance and mentoring for new teachers and systematic, sustained professional development for experienced teachers.

First, this legislation would direct funding to districts with failing schools to help implement a high-quality induction program for teachers throughout at least their first two years of full-time teaching. This intensive support for beginning teachers would incorporate proven strategies such as: rigorous mentor selection; ongoing mentoring with school-protected release time; research-based professional development for mentors and school leaders; and research-based teaching practices, formative assessments, and teacher portfolios. Research has demonstrated that such mentoring for beginning teachers at institutions like the New Teacher Center at University of California, Santa Cruz provides a return on investment, $1.66 for every $1

spent; increases the new teacher retention rate, to 88 percent after 6 years in some California districts; and strengthens beginning teacher effectiveness to such an extent that their students demonstrate learning gains similar to those students of their more veteran counterparts.

Second, the School Improvement through Teacher Quality Act of 2007 would offer funding for struggling schools to provide their veteran teachers with ongoing professional development and training, including helping such schools develop and implement rigorous curricula aligned to State standards and student needs; design and evaluate assessments; implement strategies to improve student achievement and teacher effectiveness; train teachers, principals, and administrators in effective coaching strategies, analyzing school and student data, and strategies for teaching students with disabilities and English Language Learners; and utilize teacher leaders, coaches, or content experts to support learning and model effective collaboration skills.

This assistance would be tied to a modified definition of professional development based on successful nationwide models such as the National Staff Development Council, with an increased focus on collaboration among teachers, including engaging established teams of teachers to plan and develop instruction across grade level and content area and to evaluate and analyze data on student achievement and learning goals. This professional development would occur multiple times per week during the regular work day, and be supported by school principals through school-based coaches, mentors, or lead teachers who allocate time, resources, and structured facilitation to the learning teams or cohorts.

Lastly, this legislation requires that an external evaluation be conducted of the mentoring and professional development programs authorized and supported under this act. Outcomes would be based on measures such as teacher retention, student learning gains, teacher instructional practice, and parent, family, and community involvement.

We must act on this bill and continue to push for increased Federal investment in improving schools through enhanced teacher quality and professional development. The stakes are too high, not just in terms of meeting the current highly qualified requirements of the No Child Left Behind Act, but to take the next step and ensure that each and every classroom in America is taught by an effective teacher. Teachers are the key to student success and student success will in turn keep our country competitive in today's global economy.

I urge my colleagues to cosponsor this legislation and work for its inclusion in the reauthorization of the Elementary and Secondary Education Act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1979

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Teacher quality is the single most important factor influencing student learning and achievement.

(2) Studies have found that 40 to 90 percent of the difference in student test scores can be attributed to teacher quality.

(3) New teachers, not just those in hard-to-staff schools, face such challenging working conditions that nearly half leave the profession within their first 5 years, ⅓ leave within their first 3 years, and 14 percent leave by the end of their first year.

(4) The rate of attrition is roughly 50 percent higher in poor schools than in wealthier ones.

(5) A report by the Alliance for Excellent Education estimated that the cost of replacing public school teachers who have dropped out of the profession is $2,600,000,000 per year.

(6) Comprehensive induction cuts attrition rates in half, and helps to develop novice teachers into high-quality professionals who improve student achievement.

(7) Research has demonstrated that comprehensive, multi-year induction—such as that provided by the New Teacher Center at University of California, Santa Cruz—provides a return on investment ($1.66 for every $1 spent); increases the new teacher retention rate (to 88 percent after 6 years in some California districts); and strengthens beginning teacher effectiveness to such an extent that their students demonstrate learning gains similar to those students of their more veteran counterparts.

(b) PURPOSES.—The purposes of this Act are to build capacity and grow effective teachers and principals in our Nation's schools through—

(1) comprehensive, high-quality, rigorous multi-year induction and mentoring programs for beginning teachers; and

(2) systematic, sustained, coherent team-based, job-embedded professional development for experienced teachers.

SEC. 3. SCHOOL IMPROVEMENT.

Section 1003(g)(5) (20 U.S.C. 6303(g)(5)) is amended—

(1) in subparagraph (B), by striking ''and'' after the semicolon;

(2) in subparagraph (C), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(D) permitted to be used to supplement the activities required under section 2501.''.

SEC. 4. LOCAL SCHOOL IMPROVEMENT ACTIVITIES.

Title II (20 U.S.C. 6601 et seq.) is amended by adding at the end the following:

''PART E—BUILDING SCHOOL CAPACITY FOR EFFECTIVE TEACHING

''SEC. 2501. LOCAL SCHOOL IMPROVEMENT ACTIVITIES.

''(a) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

''(1) IN GENERAL.—The Secretary shall award grants to States to enable the States to award subgrants to local educational agencies under this part.

''(2) RESERVATION.—A State that receives a grant under this part shall—

''(A) reserve 95 percent of the funds made available through the grant to make subgrants to local educational agencies; and

''(B) use the remainder of the funds for administrative activities in carrying out this part.

''(b) FIRST AWARD.—In awarding subgrants under this part, a State shall first award grants to local educational agencies—

''(1) that serve the lowest achieving schools;

''(2) that demonstrate the greatest need for subgrant funds; and

''(3) in which children counted under section 1124(c) constitute not less than 20 percent of the total population of children aged 5 to 17 served by the agency.

''(c) LOCAL EDUCATIONAL AGENCY APPLICATION.—

''(1) IN GENERAL.—To be eligible to receive a subgrant under this part, a local educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require.

''(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall include—

''(A) a description of how the local educational agency will assist schools identified under section 1116(b) in implementing induction programs pursuant to subsection (d)(1);

''(B) a description of how the local educational agency will assist, pursuant to subsection (d)(2)(A), schools identified under section 1116(b) in implementing high-impact professional development;

''(C) a description of how the local education agency will select mentors pursuant to the requirements of subsection (d)(1)(A);

''(D) a description of how the local educational agency will assist schools identified under section 1116(b) in providing high-quality mentoring and mentor-teacher interactions pursuant to subsection (d)(1)(B);

''(E) a description of how the local educational agency will ensure schools identified under section 1116(b) provide protected release time for high-quality mentoring that occurs not less than 1.5 hours per week pursuant to subsection (d)(1)(C);

''(F) a description of how the local educational agency will assist schools identified under section 1116(b) in providing ongoing, evidence-based professional development for mentors, principals, and administrators pursuant to subsection (d)(1)(D);

''(G) a description of how the local educational agency will assist schools identified under section 1116(b) in using evidence-based teaching standards, formative assessments, teacher portfolio processes, and teacher development protocols during the induction process pursuant to subsection (d)(1)(E);

''(H) a description of how the local educational agency will evaluate the effectiveness of the programs and assistance provided under paragraphs (1) and (2) of subsection (d) and pursuant to subsection (e);

''(I) a description of how the local educational agency will train teachers, principals, and administrators pursuant to subsection (d)(2)(B);

''(J) a description of how the local educational agency will utilize internal teacher leaders, coaches, or content experts pursuant to subsection (d)(2)(C);

''(K) a description of how the local educational agency will ensure that the induction program required under subsection (d)(1)

and the high-impact professional development required under subsection (d)(2) are integrated and aligned;

''(L) where applicable, a description of procedures that the local educational agency will use to ensure flexibility for agency and school leaders to facilitate placement of graduates of teaching residency programs in cohorts that facilitate professional collaboration among graduates of the teaching residency program, as well as between such graduates and mentor teachers in the receiving school;

''(M) a description of how the local education agency will target funds to schools identified under section 1116(b) and within its jurisdiction—

''(i) that serve the lowest achieving schools;

''(ii) that demonstrate the greatest need for subgrant funds; and

''(iii) in which not less than 40 percent of the students served by the school receive or are eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

''(N) a description of how the local educational agency will ensure that the induction program required under subsection (d)(1) and the high-impact professional development required under subsection (d)(2) are integrated and aligned with the State's school improvement efforts under sections 1116 and 1117; and

''(O) a description of how the local educational agency will include experienced administrators and educators, including teacher organizations, in the design and ongoing development, implementation, and evaluation of the induction program required under subsection (d)(1) and the high-impact professional development required under subsection (d)(2).

''(3) JOINT DEVELOPMENT AND SUBMISSION.—To the extent practicable, a local educational agency shall jointly develop and submit such application with local teacher organizations.

''(d) USE OF FUNDS.—A local educational agency that receives a subgrant under this part shall use the subgrant funds to improve teacher and principal quality through a comprehensive system of induction and professional development that is developed, implemented, and evaluated in collaboration with local teacher organizations and that addresses the needs of beginning and experienced teachers by providing assistance, which may be provided through the formation of induction and professional development support teams, to each school identified by such agency pursuant to subsection (c)(2)(M) to—

''(1) implement a comprehensive, coherent, high-quality induction program for teachers in not less than their first 2 years of full-time teaching that shall include—

''(A) rigorous mentor selection by school or local educational agency leaders with mentoring and instructional expertise, and which shall include requirements that the mentor demonstrate—

''(i) mastery of pedagogical and subject matter skills;

''(ii) strong interpersonal skills;

''(iii) exemplary classroom teacher skills;

''(iv) expertise in designing and implementing standards-based instruction;

''(v) exemplary knowledge about content, materials, and methods that support high standards in various curriculum areas;

''(vi) commitment to personal and professional growth and learning, such as National Board for Professional Teaching Standards certification;

''(vii) experience in relating to adult learners;

''(viii) a record of engaging in cooperative and collaborative projects with staff, adults, and administration;

''(ix) skill in collaboration and group dynamics;

''(x) knowledge of staff development practices and in-service education;

''(xi) excellent oral and written communication skills;

''(xii) a commitment to participate in professional development throughout the year to develop the knowledge and skills related to effective mentoring; and

''(xiii) a willingness to engage in formative assessment processes, including non-evaluative, reflective conversations with beginning teachers using evidence of classroom practice and student learning;

''(B) high-quality, intensive, ongoing mentoring and mentor-teacher interactions that—

''(i) establish and maintain a trustful, confidential, non-evaluative relationship with beginning teachers;

''(ii) matches mentors, to the extent applicable and practicable, with beginning teachers by grade level and content area;

''(iii) assist teachers in reflecting on and analyzing their practice and reviewing student work to inform instruction and enhance student achievement;

''(iv) provide opportunities for observation of exemplary practice, model lessons, and conferences with beginning teachers on-site, during, and after school hours;

''(v) model, as appropriate, innovative teaching methodologies through techniques such as team teaching, demonstrations, simulations, and consultations;

''(vi) act as a vehicle for beginning teachers to establish short- and long-term planning goals, and identify instructional resources and support throughout the entire school community; and

''(vii) provide a ratio of not more than 12 teachers per mentor;

''(C) school protected release time for high-quality mentoring and mentor-teacher interactions that occurs not less than 1.5 hours per week;

''(D) ongoing, research-based professional development for mentors, principals, and administrators that—

''(i) supports mentors in responding to each new teacher's developmental and contextual needs and promotes the ongoing examination of classroom practice;

''(ii) assists mentors in the collection and sharing of observation data with professional teaching standards to help new teachers improve their practice;

''(iii) provides mentors with strategies for helping beginning teachers identify student needs, plan for differentiated instruction, and ensure equitable learning outcomes;

''(iv) supports the mentor in coaching strategically and finding solutions to challenging situations;

''(v) helps mentors bring teachers together for meaningful and responsive learning experiences;

''(vi) demonstrates models that create a collaborative learning environment in which mentors can develop skills, gain knowledge, and problem-solve issues of mentoring; and

''(vii) as applicable, supports principals and administrators in identifying beginning teacher developmental needs, selecting high-quality mentors, determining effective strategies to conduct teacher observations, and providing feedback in ways that support new teacher instructional growth; and

''(E) use of research-based teaching standards, formative assessments, teacher portfolio processes, such as the National Board for Professional Teaching Standards certification process, and teacher development protocols that—

''(i) guide beginning teachers in developing and reflecting on student learning and their teaching and classroom practice, including structured self-assessment and examining and analyzing student work;

''(ii) prepare beginning teachers to examine, analyze, and reflect on—

''(I) student learning needs, including tailoring instruction to individual and special learning needs;

''(II) student and classroom academic progress, including effective methods for monitoring and managing such progress;

''(III) achieving the goals of the school, district, and statewide curriculum;

''(IV) effective methods for classroom management;

''(V) representations of student work and curriculum-based diagnostic and performance assessments;

''(VI) instructional methods, the effectiveness of such methods, and ways to improve upon instructional techniques for future lessons;

''(VII) the effectiveness, and ways to improve, lesson planning; and

''(VIII) interaction with students, parents, and administrators, and ways to improve such interactions in order to enhance student learning;

''(iii) formulate professional goals to improve teaching practice, which may include developing an individualized induction plan;

''(iv) guide, monitor, and assess the progress of a teacher's practice toward such professional goals;

''(v) assist teachers in connecting students' prior knowledge, life experience, and interests with learning goals;

''(vi) promote self-directed, reflective learning for all students;

''(vii) engage students in problem solving, critical thinking, and other activities within and across subject matter areas and in ways that encourage students to apply them in real-life contexts that make the subject matter meaningful;

''(viii) use a variety of instructional strategies and resources to respond to students' diverse needs;

''(ix) facilitate learning experiences that promote autonomy, interaction, and choice so students are able to demonstrate, articulate, and evaluate what they learn;

''(x) focus on the identification of students' specific learning needs, particularly students with disabilities, students who are limited English proficient, students who are gifted and talented, and students with low literacy levels, and the tailoring of academic instruction to such needs;

''(xi) employ strategies grounded in the disciplines of teaching and learning on—

''(I) effectively managing a classroom; and

''(II) communicating and working with parents and guardians, and involving parents and guardians in their children's education;

''(xii) involve an ongoing process of data collection and data analysis to inform teaching practice; and

''(xiii) is used to guide professional development, and not for the purpose of teacher evaluation or employment decisions; and

''(2) implement high-impact, professional development that is ongoing and sustained by—

''(A) assisting the school to—

''(i) develop and implement strong curriculum plans aligned to State standards and student needs;

''(ii) clarify school improvement goals;

''(iii) select and implement strategies and interventions to improve student achievement and teacher effectiveness;

''(iv) design, create, and evaluate the results of curriculum-based diagnostic and performance assessments;

''(v) develop and implement professional development plans aligned with student achievement needs and priority learning goals;

''(vi) allocate teacher and principal professional development resources and help develop the revised plan as related to the professional development required under section 1116(b); and

''(vii) make available opportunities for individual and team learning activities that focus on increasing pedagogical and content knowledge in academic subjects that are aligned to student learning goals;

''(B) training teachers, principals, and administrators in—

''(i) analyzing school, teacher, and student data and developing instructional supports to respond to such data;

''(ii) effective coaching strategies;

''(iii) effective strategies for improving and identifying the learning needs of students with disabilities and English language learners;

''(iv) managing the change process, implementing high-impact professional development, and leadership and interpersonal skills, including conflict management and consensus building;

''(v) effectively communicating with, working with, and involving parents in their children's education; and

''(vi) effective classroom management skills; and

''(C) utilizing internal teacher leaders, coaches, or content experts to—

''(i) support classroom learning; and

''(ii) model effective collaboration skills across learning communities and access knowledge from peers teaching and leading at high-performing schools.

''(e) EVALUATION.—

''(1) IN GENERAL.—Both the induction program required under subsection (d)(1) and the professional development program required under subsection (d)(2) shall include a formal evaluation system to determine the effectiveness of the program on not less than—

''(A) teacher retention;

''(B) student learning gains;

''(C) teacher instructional practice;

''(D) student graduation rates, as applicable;

''(E) parent, family, and community involvement;

''(F) student attendance rates;

''(G) teacher satisfaction; and

''(H) student behavior.

''(2) LOCAL EDUCATIONAL AGENCY AND SCHOOL EFFECTIVENESS.—The formal evaluation system described in paragraph (1) shall also measure the local educational agency's and school's effectiveness in—

''(A) implementing the rigorous mentor selection process described in subsection (d)(1)(A);

''(B) ensuring that school protected release time for high-quality mentoring and mentor-teacher interactions occurs not less than 1.5 hours per week pursuant to subsection (d)(1)(C);

''(C) implementing on-going, research-based professional development for mentors, principals, and administrators pursuant to subsection (d)(1)(D);

''(D) ensuring that mentors, teachers, and schools are using data to inform instructional practices;

''(E) ensuring that the comprehensive induction and high-quality mentoring required under subsection (d)(1) and the high-impact professional development required under subsection (d)(2) are integrated and aligned with the State's school improvement efforts under sections 1116 and 1117; and

''(F) ensuring that research-based teaching standards, formative assessments, teacher portfolio processes, and teacher development protocols are used during the induction process pursuant to subsection (d)(1)(E).

''(3) CONDUCT OF EVALUATION.—The evaluation described in subsection (e)(1) shall be conducted by the State, institutions of higher education, or an external agency that is experienced in conducting qualitative research, and shall be developed in collaboration with groups such as—

''(A) experienced educators with track records of success in the classroom;

''(B) institutions of higher education involved with teacher induction and professional development located within the State; and

''(C) local teacher organizations.

''(f) INTEGRATION AND ALIGNMENT.—The comprehensive induction and high-quality mentoring required under subsection (d)(1) and the high-impact professional development required under subsection (d)(2) shall be—

''(1) integrated and aligned; and

''(2) aligned with the State's school improvement efforts under sections 1116 and 1117.

''(g) ELIGIBLE ENTITIES.—The assistance required to be provided under subsection (d) may be provided—

''(1) by the local educational agency; or

''(2) by the local educational agency, in collaboration with the State educational agency, an institution of higher education, a nonprofit organization, a teacher organization, an educational service agency, a teaching residency program, or another entity with experience in helping schools improve student achievement.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part $500,000,000 for fiscal year 2008 and such sums as may be necessary for each succeeding fiscal year.''.

SEC. 5. HIGH IMPACT PROFESSIONAL DEVELOPMENT.

Section 9101(34) (20 U.S.C. 7801(34)) is amended to read as follows:

''(34) PROFESSIONAL DEVELOPMENT.—The term 'professional development' means a systematic school improvement strategy that—

''(A) is designed to—

''(i) improve teachers' and principals' effectiveness in improving student learning;

''(ii) accomplish other important school goals;

''(iii) foster collective responsibility for improved student achievement; and

''(iv) engage established teams of teachers, principals, and other instructional staff in ongoing professional development designed to support and improve their professional practice multiple times per week during the regular work day and to the extent applicable and practicable, by grade level and content area to—

''(I) evaluate student, teacher, and school learning needs through a thorough review of data on student achievement;

''(II) define a clear set of educator learning goals based on the rigorous analysis of the data;

''(III) achieve educator learning goals by implementing coherent, sustained, evidenced-based, and content area specific learning strategies, including lesson study, developing formative assessments, and peer observations;

''(IV) regularly assess the effectiveness in achieving identified learning goals, improving teaching, and assisting all students in meeting challenging State student academic achievement standards or other measures of student achievement; and

''(V) inform ongoing improvements in teaching practice and student learning;

''(B) is sustained, high-quality, intensive, and comprehensive;

''(C) is content-centered, collaborative, school-embedded, tied to practice, focused on student work, supported by evidence-based research, and aligned with and designed to help students meet challenging State academic content standards and challenging State student academic achievement standards;

''(D) includes sustained in-service activities to improve and promote strong teaching skills—

''(i) in the core academic subjects;

''(ii) to integrate technology into the curriculum;

''(iii) to improve understanding and the use of student assessments;

''(iv) to improve classroom management;

''(v) to address the identification of students' specific learning needs, particularly students with disabilities, students who are limited English proficient, students who are gifted and talented, and students with low literacy levels, and the tailoring of academic instruction to such needs;

''(vi) to apply empirical knowledge about teaching and learning to their teaching practice and to their ongoing classroom assessment of students; and

''(vii) to provide instruction on how to work with, communicate with, and involve parents to foster academic achievement;

''(E) includes sustained training and mentoring opportunities that provide active learning and observational opportunities for teachers to model effective practice, review student work, deliver presentations, and improve lesson planning;

''(F) is supported by school principals, including school-based coaches, mentors, or lead teachers when available, who allocate time, resources, and structured facilitation to the learning teams;

''(G) encourages and supports training of teachers, principals, and administrators to effectively use and integrate technology—

''(i) into curricula and instruction, including training to improve the ability to collect, manage, and analyze data to improve teaching, decisionmaking, school improvement efforts, and accountability;

''(ii) to enhance learning by students with specific learning needs, particularly students with disabilities, students who are limited English proficient, students who are gifted and talented, and students with low literacy levels; and

''(iii) to improve the ability of teachers and administrators to communicate with, work with, and involve parents in their children's education;

''(H) is focused on content that is aligned with challenging State student academic achievement standards, curricula or curriculum materials, and assessments, as well as related local educational agency and school improvement and instructional goals; and

''(I) improves the academic content knowledge, as well as knowledge to assess the student academic achievement and how to use the results of such assessments to improve instruction, of teachers in the subject matter or academic content areas in which the teachers are considered highly qualified.''.

By Mr. SMITH (for himself, Mrs. LINCOLN, and Ms. COLLINS):

S. 1980. A bill to improve the quality of, and access to, long-term care; to the Committee on Finance.

Mr. SMITH. Mr. President, I rise today to introduce The Long-Term Care Quality and Modernization Act of 2007. I am pleased to be joined by my

colleague Senator BLANCHE LINCOLN of Arkansas.

As Ranking Member of the Senate Special Committee on Aging, I am committed to improving the financing and delivery of long-term care. The Centers for Medicare and Medicaid Services estimate that national spending for long-term care was almost $160 billion in 2002, representing about 12 percent of all personal health care expenditures. While those numbers are already staggering, we also know that the need for long-term care is expected to grow significantly in coming decades. Almost two-thirds of people receiving long-term care services are over age 65, with this number expected to double by 2030.

Providing quality long-term care services for America's frail, elderly and disabled is the priority of nursing homes and assisted living facilities. I applaud their work, but recognize we must do more to improve care and contain costs. When you consider that eight of ten nursing home residents rely on Medicare and Medicaid for their long-term care needs, it is apparent that Congress has a responsibility to improve these programs so they are sustainable for years to come.

That is why I am introducing The Long-Term Care Quality and Modernization Act of 2007 with Senator Lincoln. This bill will address several problems nursing homes are experiencing with federal regulations, workforce shortages and taxes related to building depreciation. The issue of long-term care expenditures need not be an insurmountable task. It will require action and cooperation by public officials and private providers as we work to find ways to help Americans become better prepared for their long-term care needs.

However, we cannot do it alone. Individuals must take responsibility and begin planning for their long-term care needs. With our national savings rate in steady decline, I fear the American middle class is woefully unprepared to meet this coming challenges. As we move forward in our effort to help individuals stay financially stable in their later years, we must encourage them to purchase long-term care insurance and save for long-term care services.

Today, millions of Americans are receiving or are in need of long-term care services and supports. Surprisingly, more than 40 percent of persons receiving long-term care are between the ages of 18 and 64. Some were born with disabilities; others came to be disabled through accident or illness. No one can predict their future long-term health care needs. Therefore, everyone needs to be prepared.

Included in the bill I am introducing today is The Long-Term Care Trust Account Act of 2007. My legislation will create a new type of savings vehicle for the purpose of preparing for the costs associated with long-term care services and purchasing long-term care insurance. An individual who establishes a long-term care trust account can contribute up to $5,000 per year to their account and receive a refundable 10 percent tax credit on that contribution. Interest accrued on these accounts will be tax free, and funds can be withdrawn for the purchase of long-term care insurance or to pay for long-term care services. The bill also will allow an individual to make contributions to another family members' Long-Term Care Trust Account. This will help many people in our country who want to help their parents or a loved one prepare for their health care needs.

It is my hope that this legislation will help all Americans save for their long-term care needs. I urge my colleagues on both sides of the aisle to support this important bill.

By Mr. REED:

S. 1981. A bill to amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I am introducing the No Child Left Inside Act of 2007, which will provide new support for environmental education in our Nation's classrooms. Given the major environmental challenges we face today, teaching our young people about their natural world should be a priority, and this legislation is an important first step.

For more than three decades, environmental education has been a growing part of effective instruction in America's schools. Responding to the need to improve student achievement and prepare students for the 21st century economy, many schools throughout the Nation now offer some form of environmental education. Mr. President, 30 million students and 1.2 million teachers annually are involved in these programs.

Yet, environmental education is facing a significant challenge. Many schools are being forced to scale back or eliminate environmental programs. Fewer and fewer students are able to take part in related classroom instruction and field investigations, however effective or popular. State and local administrators, teachers, and environmental educators point to two factors behind this recent and disturbing shift: the unintended consequences of the No Child Left Behind Act and a lack of funding for these critical programs.

The legislation that I am introducing today would address these two causes. It would provide funding to States to train their teachers in the field of environmental education, and it would provide support for outdoor environmental education programs for children and a model environmental education curriculum. The bill would also create incentives, through new funding, for states to develop environmental literacy plans to make sure students have a solid understanding of our planet and its precious natural resources. Finally, the legislation would reestablish the Office of Environmental Education within the U.S. Department of Education to oversee critical environmental education activities. This legislation has broad support among national and state environmental groups and educational groups.

The American public recognizes that the environment is already one of the dominant issues of the 21st century. In 2003, a National Science Foundation panel noted that ''in the coming decades, the public will more frequently be called upon to understand complex environmental issues, assess risk, evaluate proposed environmental plans and understand how individual decisions affect the environment at local and global scales. Creating a scientifically informed citizenry requires a concerted, systemic approach to environmental education ...'' In the private sector, business leaders also increasingly believe that an environmentally literate workforce is critical to their long-term success. They recognize that better, more efficient environmental practices improve the bottom line and help position their companies for the future.

Climate change, conservation of precious natural resources, maintaining clean air and water, and other environmental challenges are pressing and complex issues that influence human health, economic development and national security. Finding widespread agreement about the specific steps we need to take to solve these problems is difficult. Environmental education will help ensure that our Nation's children have the knowledge and skills necessary to address these critical issues. In short, the environment should be an important part of the curriculum in our schools.

I know my constituents in Rhode Island, as well as the residents of other States, want their children to be environmentally literate and have a connection with the natural world. I am proud to sponsor this important legislation. I look forward to working with my colleagues to enact the No Child Left Inside Act of 2007. I ask unanimous consent that the text of the bill and a letter of support be printed in the Record.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1981

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''No Child Left Inside Act of 2007''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. REFERENCES.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—There is authorized to be appropriated to carry out section 5622(g) and part E of title II of the Elementary and Secondary Education Act of 1965, $100,000,000 for fiscal year 2008 and each of the 4 succeeding fiscal years.

(b) DISTRIBUTION.—With respect to any amount appropriated under subsection (a) for a fiscal year—

(1) not more than 70 percent of such amount shall be used to carry out section 5622(g) of the Elementary and Secondary Education Act of 1965 for such fiscal year; and

(2) not less than 30 percent of such amount shall be used to carry out part E of title II of such Act for such fiscal year.

TITLE I—ENVIRONMENTAL LITERACY PLANS

SEC. 101. DEVELOPMENT, APPROVAL, AND IMPLEMENTATION OF STATE ENVIRONMENTAL LITERACY PLANS.

Part D of title V (20 U.S.C. 7201 et seq.) is amended by adding at the end the following:

"Subpart 22—Environmental Literacy Plans

"SEC. 5621. ENVIRONMENTAL LITERACY PLAN REQUIREMENTS.

''In order for any State educational agency or a local educational agency served by a State educational agency to receive grant funds, either directly or through participation in a partnership with a recipient of grant funds, under this subpart or part E of title II, the State educational agency shall meet the requirements regarding an environmental literacy plan under section 5622.

"SEC. 5622. STATE ENVIRONMENTAL LITERACY PLANS.

''(a) SUBMISSION OF PLAN.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the No Child Left Inside Act of 2007, a State educational agency subject to the requirements of section 5621 shall, in consultation with State environmental agencies, State natural resource agencies, and with input from the public—

''(A) submit an environmental literacy plan for kindergarten through grade 12 to the Secretary for peer review and approval that will ensure that elementary and secondary school students in the State are environmentally literate; and

''(B) begin the implementation of such plan in the State.

''(2) EXISTING PLANS.—A State may satisfy the requirement of paragraph (1)(A) by submitting to the Secretary for peer review an existing State plan that has been developed by or in cooperation with State environmental organizations, if such plan complies with this section.

''(b) PLAN OBJECTIVES.—A State environmental literacy plan shall meet the following objectives:

''(1) Prepare students to understand, analyze, and address the major environmental challenges facing the United States.

''(2) Provide field experiences as part of the regular school curriculum and create programs that contribute to healthy lifestyles through outdoor recreation and sound nutrition.

''(3) Create opportunities for enhanced and ongoing professional development for teachers that improves the teachers' environmental content knowledge, skill in teaching about environmental issues, and field-based pedagogical skill base.

''(c) CONTENTS OF PLAN.—A State environmental literacy plan shall include each of the following:

''(1) A description of how the State educational agency will measure the environmental literacy of students, including—

''(A) relevant State academic content standards and content areas regarding environmental education, and courses or subjects where environmental education instruction will take place; and

''(B) a description of the relationship of the plan to the secondary school graduation requirements of the State.

''(2) A description of programs for professional development for teachers to improve the teachers'—

''(A) environmental content knowledge;

''(B) skill in teaching about environmental issues; and

''(C) field-based pedagogical skills.

''(3) A description of how the State educational agency will implement the plan, including securing funding and other necessary support.

''(d) PLAN UPDATE.—The State environmental literacy plan shall be revised or updated by the State educational agency and submitted to the Secretary not less often than every 5 years or as appropriate to reflect plan modifications.

''(e) PEER REVIEW AND SECRETARIAL APPROVAL.—The Secretary shall—

''(1) establish a peer review process to assist in the review of State environmental literacy plans;

''(2) appoint individuals to the peer review process who—

''(A) are representative of parents, teachers, State educational agencies, State environmental agencies, State natural resource agencies, local educational agencies, and non-governmental organizations; and

''(B) are familiar with national environmental issues and the health and educational needs of students;

''(3) approve a State environmental literacy plan within 120 days of the plan's submission unless the Secretary determines that the State environmental literacy plan does not meet the requirements of this section;

''(4) immediately notify the State if the Secretary determines that the State environmental literacy plan does not meet the requirements of this section, and state the reasons for such determination;

''(5) not decline to approve a State environmental literacy plan before—

''(A) offering the State an opportunity to revise the State environmental literacy plan;

''(B) providing technical assistance in order to assist the State to meet the requirements of this section; and

''(C) providing notice and an opportunity for a hearing; and

''(6) have the authority to decline to approve a State environmental literacy plan for not meeting the requirements of this part, but shall not have the authority to require a State, as a condition of approval of the State environmental literacy plan, to—

''(A) include in, or delete from, such State environmental literacy plan 1 or more specific elements of the State academic content standards under section 1111(b)(1); or

''(B) use specific academic assessment instruments or items.

''(f) STATE REVISIONS.—The State educational agency shall have the opportunity to revise a State environmental literacy plan if such revision is necessary to satisfy the requirements of this section.

''(g) GRANTS FOR IMPLEMENTATION.—

''(1) PROGRAM AUTHORIZED.—From amounts appropriated for this subsection, the Secretary shall award grants, through allotments in accordance with the regulations described in paragraph (2), to States to enable the States to award subgrants, on a competitive basis, to local educational agencies and eligible partnerships (as such term is defined in section 2502) to support the implementation of the State environmental literacy plan.

''(2) REGULATIONS.—The Secretary shall promulgate regulations implementing the grant program under paragraph (1), which regulations shall include the development of an allotment formula that best achieves the purposes of this subpart.

''(3) ADMINISTRATIVE EXPENSES.—A State receiving a grant under this subsection may use not more than 2.5 percent of the grant funds for administrative expenses.

''(h) REPORTING.—

''(1) IN GENERAL.—Not later than 2 years after approval of a State environmental literacy plan, and every 2 years thereafter, the chief executive officer of the State, in cooperation with the State educational agency, shall submit to the Secretary a report on the implementation of the State plan.

''(2) REPORT REQUIREMENTS.—The report required by this subsection shall be—

''(A) in the form specified by the Secretary;

''(B) based on the State's ongoing evaluation activities; and

''(C) made readily available to the public.''.

TITLE II—ESTABLISHMENT OF ENVIRONMENTAL EDUCATION PROFESSIONAL DEVELOPMENT GRANT PROGRAMS

SEC. 201. ENVIRONMENTAL EDUCATION.

Title II (20 U.S.C. 6601 et seq.) is amended by adding at the end the following:

"PART E—ENVIRONMENTAL EDUCATION PROFESSIONAL DEVELOPMENT GRANT PROGRAM

"SEC. 2501. PURPOSE.

''The purpose of this part is to ensure the academic achievement of students in environmental literacy through the professional development of teachers and educators.

"SEC. 2502. GRANTS FOR ENHANCING EDUCATION THROUGH ENVIRONMENTAL EDUCATION.

''(a) DEFINITION OF ELIGIBLE PARTNERSHIP.—In this section, the term 'eligible partnership' means a partnership that—

''(1) shall include a local educational agency; and

''(2) may include—

''(A) the teacher training department of an institution of higher education;

''(B) the environmental department of an institution of higher education;

''(C) another local educational agency, a public charter school, a public elementary school or secondary school, or a consortium of such schools;

''(D) a State environmental or natural resource management agency or a local environmental or natural resource management agency; or

''(E) a nonprofit or for-profit organization of demonstrated effectiveness in improving the quality of environmental education teachers.

''(b) GRANTS AUTHORIZED.—

''(1) PROGRAM AUTHORIZED.—From amounts appropriated for this subsection, the Secretary shall award grants, through allotments in accordance with the regulations described in paragraph (2), to States to enable the States to award subgrants under subsection (c).

''(2) REGULATIONS.—The Secretary shall promulgate regulations implementing the grant program under paragraph (1), which regulations shall include the development of an allotment formula that best achieves the purposes of this subpart.

''(3) ADMINISTRATIVE EXPENSES.—A State receiving a grant under this subsection may use not more than 2.5 percent of the grant funds for administrative expenses.

''(c) SUBGRANTS AUTHORIZED.—

''(1) SUBGRANTS TO ELIGIBLE PARTNERSHIPS.—From amounts made available to a State educational agency under subsection (b)(1), the State educational agency shall award subgrants, on a competitive basis, to eligible partnerships to enable the eligible partnerships to carry out the authorized activities described in subsection (d) consistent with the approved State environmental literacy plan.

''(2) DURATION.—The State educational agency shall award each subgrant under this part for a period of not more than 3 years beginning on the date of approval of the State's environmental literacy plan under section 5622.

''(3) SUPPLEMENT, NOT SUPPLANT.—Funds provided to an eligible partnership under this part shall be used to supplement, and not supplant, funds that would otherwise be used for activities authorized under this part.

''(d) APPLICATION REQUIREMENTS.—

''(1) IN GENERAL.—Each eligible partnership desiring a subgrant under this part shall submit an application to the State educational agency, at such time, in such manner, and accompanied by such information as the State educational agency may require.

''(2) CONTENTS.—Each application submitted under paragraph (1) shall include—

''(A) the results of a comprehensive assessment of the teacher quality and professional development needs, with respect to the teaching and learning of environmental content;

''(B) a description of how the activities to be carried out by the eligible partnership—

''(i) where applicable, will be aligned with challenging State academic content standards and student academic achievement standards in environmental education; and

''(ii) will advance the teaching of interdisciplinary courses that integrate the study of natural, social, and economic systems and that include strong field components in which students have the opportunity to directly experience nature;

''(C) an explanation of how the activities to be carried out by the eligible partnership are expected to improve student academic achievement and strengthen the quality of environmental instruction;

''(D) a description of how the activities to be carried out by the eligible partnership will ensure that teachers are trained in the use of field-based and service learning to enable the teachers—

''(i) to use the local environment and community as a resource; and

''(ii) to enhance student understanding of the environment and academic achievement;

''(E) a description of—

''(i) how the eligible partnership will carry out the authorized activities described in subsection (d); and

''(ii) the eligible partnership's evaluation and accountability plan described in subsection (e); and

''(F) a description of how the eligible partnership will continue the activities funded under this part after the grant period has expired.

''(e) AUTHORIZED ACTIVITIES.—An eligible partnership shall use the subgrant funds provided under this part for 1 or more of the following activities related to elementary schools or secondary schools:

''(1) Improving the environmental content knowledge of teachers.

''(2) Improving teachers' skills in teaching about environmental issues.

''(3) Improving the field-based pedagogical skill base of all teachers.

''(4) Providing professional development for teachers that encourages the utilization of outdoor facilities.

''(5) Establishing and operating programs to bring teachers into contact with working professionals in environmental fields to expand such teachers' subject matter knowledge of, and research in, environmental issues.

''(6) Creating initiatives that seek to incorporate environmental education within teacher training programs or accreditation standards consistent with the State environmental literacy plan under section 5622.

''(7) Conducting and operating model environmental education programs that utilize outdoor field investigations for students to directly experience nature.

''(f) EVALUATION AND ACCOUNTABILITY PLAN.—

''(1) IN GENERAL.—Each eligible partnership receiving a subgrant under this part shall develop an evaluation and accountability plan for activities assisted under this part that includes rigorous objectives that measure the impact of the activities.

''(2) CONTENTS.—The plan developed under paragraph (1) shall include measurable objectives to increase the number of teachers who participate in environmental education content-based professional development activities.

''(g) REPORT.—Each eligible partnership receiving a subgrant under this part shall report annually to the State educational agency regarding the eligible partnership's progress in meeting the objectives described in the accountability plan of the eligible partnership under subsection (f).''.

TITLE III—ENVIRONMENTAL EDUCATION GRANT PROGRAM TO HELP BUILD NATIONAL CAPACITY

SEC. 301. ENVIRONMENTAL EDUCATION GRANT PROGRAM TO HELP BUILD NATIONAL CAPACITY.

Part D of title V (20 U.S.C. 7201 et seq.) (as amended by section 101) is further amended by adding at the end the following:

''Subpart 23—Environmental Education Grant Program

''SEC. 5631. PURPOSE.

''The purpose of this subpart is to prepare children to understand and address major environmental challenges facing the United States and strengthen environmental education as an integral part of the elementary school and secondary school curriculum.

''SEC. 5632. GRANT PROGRAM AUTHORIZED.

''(a) DEFINITION OF ELIGIBLE ENTITY.—The term 'eligible entity' means a nonprofit organization, State educational agency, local educational agency, or institution of higher education, that has demonstrated expertise and experience in the development of the institutional, financial, intellectual, or policy resources needed to help the field of environmental education become more effective and widely practiced.

''(b) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Secretary, acting through the Director of Environmental Education, is authorized to award grants, on a competitive basis, to eligible entities to enable the eligible entities to carry out the activities under this section.

''(2) DURATION.—The Secretary shall award each grant under this subpart for a period of not less than 1 year and not more than 3 years.

''SEC. 5633. APPLICATIONS.

''Each eligible entity desiring a grant under this subpart shall submit to the Secretary an application that contains—

''(1) a plan to initiate, expand, or improve environmental education programs in order to make progress toward meeting State standards for environmental learning; and

''(2) an evaluation and accountability plan for activities assisted under this subpart that includes rigorous objectives that measure the impact of activities funded under this subpart.

''SEC. 5634. USE OF FUNDS.

''Grant funds made available under this subpart shall be used for 1 or more of the following:

''(1) Developing and implementing challenging State environmental education academic content standards, student academic achievement standards, and State curriculum frameworks.

''(2) Replicating or disseminating information about proven and tested model environmental education programs that—

''(A) use the environment as an integrating theme or content throughout the curriculum; or

''(B) provide integrated, interdisciplinary instruction about natural, social, and economic systems along with field experience that provides students with opportunities to directly experience nature in ways designed to improve students' overall academic performance, personal health (including addressing child obesity issues), or their understanding of nature.

''(3) Developing and implementing new policy approaches to advancing environmental education at the State and national level.

''(4) Conducting studies of national significance that—

''(A) provide a comprehensive, systematic, and formal assessment of the state of environmental education in the United States;

''(B) evaluate the effectiveness of teaching environmental education as a separate subject, and as an integrating concept or theme; or

''(C) evaluate the effectiveness of using environmental education in helping students improve their assessment scores in mathematics, reading or language arts, and the other core academic subjects.

''(5) Executing projects that advance widespread State and local educational agency adoption and use of environmental education content standards.

''(6) Planning and initiating new national or State sources of environmental education funding.

''SEC. 5635. REPORTS.

''(a) ELIGIBLE ENTITY REPORT.—In order to continue receiving grant funds under this subpart after the first year of a multiyear

grant under this subpart, the eligible entity shall submit to the Secretary an annual report that—

''(1) describes the activities assisted under this subpart that were conducted during the preceding year;

''(2) demonstrates that progress has been made in helping schools to meet State standards for environmental education; and

''(3) describes the results of the eligible entity's evaluation and accountability plan.

''(b) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of the No Child Left Inside Act of 2007, the Secretary shall submit a report to Congress that—

''(1) describes the programs assisted under this subpart;

''(2) documents the success of such programs in improving national and State environmental education capacity; and

''(3) makes such recommendations as the Secretary determines appropriate for the continuation and improvement of the programs assisted under this subpart.

''SEC. 5636. ADMINISTRATIVE PROVISIONS.

''(a) FEDERAL SHARE.—The Federal share under this subpart shall not exceed—

''(1) 90 percent of the total cost of a program assisted under this subpart for the first year for which the program receives assistance under this subpart; and

''(2) 75 percent of such cost for the second and each subsequent such year.

''(b) ADMINISTRATIVE EXPENSES.—Not more than 7.5 percent of the grant funds made available to a nonprofit organization, State educational agency, local educational agency, or institution of higher education under this subpart for any fiscal year may be used for administrative expenses.

''(c) AVAILABILITY OF FUNDS.—Amounts made available to the Secretary to carry out this subpart shall remain available until expended.

''SEC. 5637. SUPPLEMENT, NOT SUPPLANT.

''Funds made available under this subpart shall be used to supplement, and not supplant, any other Federal, State, or local funds available for environmental education activities.''.

TITLE IV—ELIGIBILITY OF ENVIRONMENTAL EDUCATION AND FIELD-BASED LEARNING ACTIVITIES UNDER EXISTING GRANT AND FUNDING PROGRAMS

SEC. 401. PROMOTION OF FIELD-BASED LEARNING.

(a) STATE USE OF FUNDS.—Section 2113(c) (20 U.S.C. 6613(c)) is amended—

(1) in paragraph (10), by inserting ''field-based learning, service learning, outdoor experiential learning,'' after ''peer networks,''; and

(2) by adding at the end the following:

''(19) Encouraging and supporting the training of teachers and administrators to incorporate field-based learning, service learning, and outdoor experiential learning into the curricula and instruction.''.

(b) LOCAL USE OF FUNDS.—Section 2123(a)(3)(B) (20 U.S.C. 6623(a)(3)(B)) is amended—

(1) in clause (iv), by striking ''and'' after the semicolon;

(2) in clause (v), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(vi) provide training on how to integrate field-based learning, service learning, and outdoor experiential learning into the curricula and instruction.''.

SEC. 402. ENVIRONMENTAL EDUCATION AS AN AUTHORIZED PROGRAM IN THE FUND FOR THE IMPROVEMENT OF EDUCATION.

Section 5411(b) (20 U.S.C. 7243(b)) is amended—

(1) by redesignating paragraph (9) as paragraph (10); and

(2) by inserting after paragraph (8) the following:

''(9) Activities and programs that advance environmental education, including interdisciplinary courses that integrate the study of natural, social, and economic systems and the use of the environment as an integrating theme for a school curriculum, as well as field-based learning, service learning, and outdoor experiential learning.''.

TITLE V—AMENDMENTS TO OTHER LAWS

SEC. 501. DEPARTMENT OF EDUCATION ORGANIZATION ACT.

(a) OFFICE OF ENVIRONMENTAL EDUCATION.—Title II of the Department of Education Organization Act (20 U.S.C. 3411 et seq.) is amended by adding at the end the following:

''SEC. 221. OFFICE OF ENVIRONMENTAL EDUCATION.

''(a) OFFICE OF ENVIRONMENTAL EDUCATION.—There shall be in the Department an Office of Environmental Education (referred to in this section as 'the Office').

''(b) DIRECTOR.—

''(1) APPOINTMENT AND REPORTING.—The Office shall be headed by a Director of Environmental Education (in this section referred to as the 'Director'), who shall be appointed by the Secretary.

''(2) DUTIES.—The Director shall—

''(A) develop a national plan for kindergarten through grade 12 environmental education and coordinate the resulting implementation process for the plan;

''(B) coordinate the development of voluntary national standards and a national model curriculum;

''(C) administer the environmental education grant program under subpart 23 of part D of title V of the Elementary and Secondary Education Act of 1965;

''(D) administer the environmental education professional development grant program under part E of title II of the Elementary and Secondary Education Act of 1965; and

''(E) work in partnership with education activities at the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, the Department of the Interior, and the National Science Foundation to advance kindergarten through grade 12 environmental education.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Department of Education Organization Act (20 U.S.C. 3401 note) is amended by inserting after the item relating to section 220 the following new item:

''Sec. 221. Office of Environmental Education.''.

NO CHILD LEFT INSIDE,
August 1, 2007.

Hon. JACK REED,
Committee on Health, Education, Labor, and Pensions, U.S. Senate,
Hart Senate Office Building, Washington, DC. 20510–3903

DEAR SENATOR REED: As members of the No Child Left Inside Coalition, we are writing to commend you for introducing the No Child Left Inside Act of 2007, and we offer our support for environmental education in the reauthorization of the No Child Left Behind Act. While we applaud the thrust of the No Child Left Behind Act, we believe adjustments are needed to improve environmental consciousness in schools across the country.

Our coalition comprises over two dozen national and regional education and environmental organizations. Together we represent more than 7 million citizens who are passionate about the inclusion of environmental education in students' learning.

The country is facing a host of complicated environmental challenges, but we are not providing an adequate environmental education to our young people. Indeed, over the past few years many schools have cut back on instruction related to the environment, canceling field trips and meaningful outdoor explorations. Three decades of growth in environmental education has been hampered by No Child Left Behind, even as the nation's environmental issues have grown increasingly complex.

We believe it is critical to reverse this trend and provide children with a solid understanding of the planet and the problems it faces. As they will be called upon throughout their lives to sort out various environmental claims and issues impacting their jobs, health, security and transportation, our children need to have the tools to be able to make wise decisions and choices.

To that end, we support several changes to the No Child Left Behind Act that would emphasize the importance of environmental education:

New funding should be available to help states develop rigorous environmental education standards and improve teacher training.

To be eligible for new environmental education funding, states would be required to develop plans to ensure that their students are environmentally literate.

These changes will provide the incentives and support school systems need to offer more and better environmental instruction. The rewards are likely to be great. We know from past research that students who take part in environmental education programs become more engaged with school and do better on standardized tests.

Our coalition urges that the reauthorization of the No Child Left Behind Act not only improve educational offerings but provide new support for environmental education.

Once again, we thank you for your leadership on this important issue.

If you would like additional information, please contact Don Baugh, representing the No Child Left Inside Coalition.

Sincerely,

Pam Gluck, Executive Director, American Trails; Andrew J. Falender, Executive Director, Appalachian Mountain Club; Jen Levy, Executive Director, Association of Nature Center Administrators; Steve Olson, Director of Government Affairs, Association of Zoos and Aquariums; Lori Whalen, Director of Education, Back to Natives Restoration; William C. Baker, President, Chesapeake Bay Foundation; Martin Blank, Staff Director, Coalition for Community Schools; Josetta Hawthorne, Executive Director, Council for Environmental Education; Kathleen Rogers, President, Earth Day Network; Vince Meldrum, President, Earth Force, Inc.; Mark Gold, President, Heal the Bay; Ed Pembleton, Director, Leopold Education Project; Laura A. Johnson, President, Mass Audubon; Tim Merriman, Ph.D., Executive Director, National Association of Interpretation; Judy Braus, Senior Vice President for Education and Centers, National Audubon Society; Joel Packer, Director, Education Policy and Practice, National Education Association; Lori Arguelles, President and CEO, National Marine Sanctuary Foundation; John Thorner, Executive Director, National Recreation and Park Association; Jodi Peterson, Assistant Executive Director, National Science Teachers Association; Nelda Brown, Executive Director, National Service-Learning Partnership; Larry Schweiger, President & CEO, National Wildlife

Federation; Brian Day, Executive Director, North American Association for Environmental Education; Howard K. Vincent, President and CEO, Pheasants Forever and Quail Forever; Kathy McGlauflin, Senior Vice President of Education and Director, Project Learning Tree; Shareen Knowlton, President, Rhode Island Environmental Education Association; Jack Mulvena, Executive Director, Rhode Island Zoological Society Roger Williams Park Zoo; David Lewis, Executive Director, Save San Francisco Bay Association (Save The Bay); H. Curtis Spalding, Executive Director, Save The Bay; Anthony D. Cortese, President, Second Nature; Martin LeBlanc, National Youth Education Director, Sierra Club; Lawrence A. Selzer, President & CEO, The Conservation Fund; Bill Mott, Director, The Ocean Project; Maribeth Oakes, Director, The Wilderness Society National Wildlife Refuge Program; John F. Calvelli, Senior Vice President of Public Affairs, Wildlife Conservation Society; Steven A. Culbertson, President & CEO, Youth Service America.

BY Mr. SANDERS (for himself and Mr. LEAHY):

S. 1982. A bill to provide for the establishment of the United States Employee Ownership Bank, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. SANDERS. Mr. President, I am introducing today with Senator LEAHY the U.S. Employee Ownership Bank Act.

At a time when the U.S. has lost over 3 million manufacturing jobs; at a time when we are on the cusp of losing millions of high-paying information technology jobs, this legislation would begin to reverse that trend by providing employees with the resources they need to purchase their own businesses through Employee Stock Ownership Plans and Eligible Worker Owned Cooperatives.

Specifically, this legislation would authorize $100 million to create a U.S. Employee Ownership Bank within the Department of Treasury to provide loans, loan guarantees, technical assistance, and grants to expand employee ownership throughout the country.

Why is it so important for the Senate to provide incentives to expand employee ownership in this country? The answer is simple: employee ownership is one of the keys to creating a sustainable economy with jobs that pay a living wage.

This legislation has the strong support of the ESOP Association, a nonprofit organization representing approximately 2,500 Employee Stock Ownership Plans throughout the country. Let me quote from a letter they recently sent to my office:

Your legislation is a modest first step in awakening our Government to the fact that in the 21st Century the inclusion of employees as owners of the companies where they work in a meaningful manner should be a key component of any national competitiveness program. If the Senate adopts your legislation, and it eventually becomes law, we assure you that the ESOP community will work constructively to ensure that the loan and grant program you propose works effectively to benefit the employee owners, the employee owned companies, and our American economy.

Every day we read in the papers about plants that are being moved to China, Mexico, and a number of other low wage countries. Since a number of these factories were making profits, shutting them down was unnecessary and could have been avoided by selling these factories to their employees through ESOPs or worker-owned cooperatives.

Since 2000, the U.S. manufacturing sector has lost 3.2 million decent-paying jobs. Put another way, since George W. Bush has been elected President, this country has seen one out of every six factory jobs disappear.

In addition, the Associated Press recently reported about a study by Moody's which found that ''16 percent of the nation's 379 metropolitan areas are in recession, reflecting primarily the troubles in manufacturing.''

In other words, about 16 percent of the biggest cities in this country are experiencing a recession, largely due to the loss of decent-paying manufacturing jobs. I suspect that this problem is even worse in rural areas. In my small State of Vermont, we have lost about 20 percent of our manufacturing jobs over the past 6 years representing over 10,000 jobs.

Let me just give you an example of some of the jobs that have been lost. From 2001–2006 the United States of America experienced the loss of 42 percent of our communication equipment jobs; 37 percent of our semiconductor and electronic component manufacturing jobs; 43 percent of our textile jobs; and about half of our apparel jobs.

Not only are we losing decent-paying manufacturing jobs, we are also losing high-paying information technology jobs as well.

While the loss of manufacturing jobs has been well-documented, it may come as a surprise to some that from January of 2001 to January of 2006, the information sector of the U.S. economy lost over 640,000 jobs or more than 17 percent of its workforce.

Unfortunately, the worst may be yet to come. Alan Blinder, an economist at Princeton and the former Vice Chairman of the Federal Reserve has recently concluded that between 30 and 40 million jobs in the United States are vulnerable to overseas outsourcing over the next 10 to 20 years.

Would expanding employee ownership be a cure-all for what ails the manufacturing and information technology sectors? Of course it wouldn't. But I strongly believe that employee ownership can and should be one of the central strategies in combating the outsourcing of American jobs. Simply put, workers who are also owners will not move their own jobs to China.

Today, there are some 11,000 Employee Stock Ownership Plans, hundreds of worker owned cooperatives, and thousands of other companies with some form of employee ownership, and most of them are thriving.

In fact, employee ownership has been proven to increase employment, increase productivity, increase sales, and increase wages in the United States. According to a Rutgers University study, broad based employee ownership boosts company productivity by 4 percent shareholder return by 2 percent and profits by 14 percent. Similar studies have shown that ESOP companies paid their hourly workers between 5 to 12 percent better than non-ESOP companies.

Yet, despite the important role that worker ownership can play in revitalizing our economy, the Federal Government has failed to commit the resources needed to allow employee ownership to realize its true potential, and that is why this legislation is so important.

When I was the Ranking Member of the Financial Institutions and Consumer Credit Subcommittee in the House of Representatives, I was able to hold a hearing on this issue nearly 4 years ago.

During the hearing, a number of witnesses told the Subcommittee that if Federal loans, loan guarantees, technical assistance and grants were made available for the expansion of employee ownership, factories that are now closed and abandoned would be open for business today.

For example, the Subcommittee heard from Larry Owenby who worked at the RFS Ecusta mill in North Carolina for 30 years until one day, the company decided to shut down.

Other witnesses talked about factories that were closed in Mississippi, Alabama and Ohio. All of the witnesses testified in support of Federal loans, loan guarantees and technical assistance for the expansion of employee ownership. In fact, if this assistance had been around before the plants had closed, many of them would still be employed today as employee owners.

The final point that I want to make is that the Federal Government, through the U.S. Export-Import Bank, is already providing billions of dollars in loans, loan guarantees and other assistance to large, multi-national companies, such as Boeing, General Electric, and Halliburton. Many of these companies happen to be some of the largest job cutters in America, as they have moved hundreds of thousands of jobs to China, India, and Mexico.

In my opinion, instead of providing corporate welfare to large corporations that are throwing American workers out on the street as they move overseas, we should be providing employees with the tools they need to create and retain jobs right here in the United States through the expansion of employee ownership.

I urge my colleagues to support this important piece of legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 292—DESIGNATING THE WEEK BEGINNING SEPTEMBER 9, 2007, AS ''NATIONAL ASSISTED LIVING WEEK''

Mr. CRAPO submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 292

Whereas the number of elderly and disabled citizens of the United States is increasing dramatically;

Whereas assisted living is a long-term care service that fosters choice, dignity, independence, and autonomy in the elderly and disabled across the United States;

Whereas the National Center for Assisted Living created National Assisted Living Week;

Whereas the theme of National Assisted Living Week 2007 is ''Legacies of Love''; and

Whereas this theme highlights the privilege, value, and responsibility of passing the legacies of the lives of the elderly and disabled of the United States down through the generations that care for and love them: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning September 9, 2007, as ''National Assisted Living Week''; and

(2) urges all people of the United States—

(A) to visit friends and loved ones who reside at assisted living facilities; and

(B) to learn more about assisted living services, including how assisted living services benefit communities in the United States.

SENATE RESOLUTION 293—COMMENDING THE FOUNDER AND MEMBERS OF PROJECT COMPASSION

Mr. HATCH submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 293

Whereas it is the responsibility of every citizen of the United States to honor the service and sacrifice of the veterans of the United States, especially those who have made the ultimate sacrifice;

Whereas, in the finest tradition of this sacred responsibility, Kaziah M. Hancock, an artist from central Utah, founded a nonprofit organization called Project Compassion, which endeavors to provide, without charge, to the family of a member of the Armed Forces who has fallen in active duty since the events of September 11, 2001, a museum-quality original oil portrait of that member;

Whereas, to date, Kaziah M. Hancock, four volunteer professional portrait artists, and those who have donated their time to support Project Compassion have presented over 700 paintings to the families of the fallen heroes of the United States; and

Whereas Kaziah M. Hancock and Project Compassion have been honored by the Veterans of Foreign Wars, the American Legion, the Disabled American Veterans, and other organizations with the highest public service awards on behalf of fallen members of the Armed Forces and their families: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the members of Project Compassion have demonstrated, and continue to demonstrate, extraordinary patriotism and support for the members of the Armed Forces who have given their lives for the United States in Iraq and Afghanistan and have done so without any expectation of financial gain or recognition for these efforts;

(2) the people of the United States owe the deepest gratitude to the members of Project Compassion; and

(3) the Senate, on behalf of the people of the United States, commends Project Compassion volunteer professional portrait artists and the entire Project Compassion organization for their tireless work in paying tribute to those members of the Armed Forces who have fallen in the service of the United States.

Mr. HATCH. Mr. President, I rise today to pay tribute to Project Compassion. Project Compassion was founded by Ms. Kaziah Hancock in my home State of Utah. She and the other members of Project Compassion volunteer their time to create gallery-quality portraits of soldiers, airmen, sailors, and Marines who have fallen in combat and send them to the families of these troops. These wonderful patriots receive no compensation for their efforts to honor the service and sacrifice of the members of our military.

This gift offers comfort and consolation to the family members of those troops who fall in battle. To date, Ms. Hancock and the other volunteers of Project Compassion have presented over 700 paintings to the families of America's fallen heroes. These portraits provide a real sense of closure and remembrance to the family members of our fallen heroes. Even though the portraits created by Project Compassion members are extremely well done by talented artists, they accept no compensation for their efforts, they merely do it out of love.

It is my belief that Ms. Hancock and the other members of Project Compassion demonstrate extraordinary patriotism and support for our service men and women, and do so without expectation of financial gain or recognition. We owe these wonderful people our heartfelt thanks and deepest respect. I hope my colleagues will support this resolution, and offer their gratitude for the work performed by these remarkable individuals.

SENATE RESOLUTION 294—DESIGNATING SEPTEMBER 2007 AS ''NATIONAL BOURBON HERITAGE MONTH''

Mr. BUNNING submitted the following resolution; which was considered and agreed to:

S. RES. 294

Whereas Congress declared bourbon as ''America's Native Spirit'' in 1964, making it the only spirit distinctive to the United States;

Whereas the history of bourbon-making is interwoven with the history of the United States, from the first settlers of Kentucky in the 1700s, who began the bourbon-making process, to the 2,000 families and farmers distilling bourbon in Kentucky by the 1800s;

Whereas bourbon has been used as a form of currency;

Whereas generations have continued the heritage and tradition of the bourbon-making process, unchanged from the process used by their ancestors centuries before;

Whereas individual recipes for bourbon call for natural ingredients, utilizing the local Kentucky farming community and leading to continued economic development for the Commonwealth of Kentucky;

Whereas generations of people in the United States have traveled to Kentucky to experience the family heritage, tradition, and deep-rooted legacy that the Commonwealth contributes to the United States;

Whereas each year during September visitors from over 13 countries attend a Kentucky-inspired commemoration to celebrate the history of the Commonwealth, the distilleries, and bourbon;

Whereas people who enjoy bourbon should do so responsibly and in moderation; and

Whereas members of the beverage alcohol industry should continue efforts to promote responsible consumption and to eliminate drunk driving and underage drinking: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2007 as ''National Bourbon Heritage Month'';

(2) recognizes bourbon as ''America's Native Spirit'' and reinforces its heritage and tradition and its place in the history of the United States; and

(3) recognizes the contributions of the Commonwealth of Kentucky to the culture of the United States.

SENATE RESOLUTION 295—DESIGNATING SEPTEMBER 19, 2007, AS ''NATIONAL ATTENTION DEFICIT DISORDER AWARENESS DAY''

Ms. CANTWELL submitted the following resolution; which was considered and agreed to:

S. RES. 295

Whereas Attention Deficit/Hyperactivity Disorder (also known as ADHD or ADD), is a chronic neurobiological disorder that affects both children and adults, and can significantly interfere with the ability of an individual to regulate activity level, inhibit behavior, and attend to tasks in developmentally-appropriate ways;

Whereas ADHD can cause devastating consequences, including failure in school and the workplace, antisocial behavior, encounters with the criminal justice system, interpersonal difficulties, and substance abuse;

Whereas ADHD, the most extensively studied mental disorder in children, affects an estimated 3 to 7 percent (4,000,000) of young school-age children and an estimated 4 percent (8,000,000) of adults across racial, ethnic, and socio-economic lines;

Whereas scientific studies indicate that between 10 and 35 percent of children with ADHD have a first-degree relative with past or present ADHD, and that approximately one-half of parents who had ADHD have a child with the disorder, suggesting that ADHD runs in families and inheritance is an important risk factor;

Whereas despite the serious consequences that can manifest in the family and life experiences of an individual with ADHD, studies indicate that less than 85 percent of adults with the disorder are diagnosed and less than half of children and adults with the disorder receive treatment and, furthermore, poor and minority communities are particularly underserved by ADHD resources;

Whereas the Surgeon General, the American Medical Association, the American Psychiatric Association, the American Academy of Child and Adolescent Psychiatry, the American Psychological Association, the American Academy of Pediatrics, the Centers for Disease Control and Prevention, and